

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
NINETY-NINTH CONGRESS
OF THE UNITED STATES OF AMERICA

1985

AND

PROCLAMATIONS

VOLUME 99

IN TWO PARTS

PART 2

PUBLIC LAWS 99-179 THROUGH 99-240
CONCURRENT RESOLUTIONS AND PROCLAMATIONS



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5413.....	National Day of Fasting To Raise Funds To Combat Hunger, 1985.	Nov. 23, 1985	2122
5414.....	National Mark Twain Day, 1985	Nov. 26, 1985	2123
5415.....	National Home Care Week, 1985	Dec. 3, 1985.....	2125
5416.....	National Temporary Services Week, 1985.....	Dec. 3, 1985.....	2125
5417.....	National Consumers Week, 1986.....	Dec. 5, 1985.....	2126
5418.....	National Community College Month, 1986.....	Dec. 6, 1985.....	2127
5419.....	National Drunk and Drugged Driving Awareness Week, 1985.	Dec. 7, 1985.....	2128
5420.....	Bill of Rights Day, Human Rights Day and Week, 1985	Dec. 10, 1985.....	2129
5421.....	Seventy-fifth Anniversary of the Boy Scouts of America, 1985.	Dec. 15, 1985.....	2131
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PUBLIC LAWS

(CONTINUED)

Public Law 99-179
99th Congress

Joint Resolution

Making further continuing appropriations for fiscal year 1986.

Dec. 13, 1985
[H.J. Res. 476]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of November 14, 1985 (Public Law 99-154) is hereby amended by striking out "December 12, 1985" and inserting in lieu thereof "six o'clock post meridiem, eastern standard time, December 16, 1985".

Ante, p. 813.

Approved December 13, 1985.

LEGISLATIVE HISTORY—H.J. Res. 476:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 12, considered and passed House and Senate.

Public Law 99-180
99th Congress

An Act

Dec. 13, 1985
[H.R. 2965]

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes.

Departments of
Commerce,
Justice, and
State, the
Judiciary, and
Related
Agencies
Appropriation
Act, 1986.
Department of
Commerce
Appropriation
Act, 1986.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1986, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed \$2,000 for official entertainment, \$32,300,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$90,400,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, \$105,600,000, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, \$30,500,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, \$175,000,000: *Provided*, That during

42 USC 3121
note.
84 Stat. 375.

fiscal year 1986 total commitments to guarantee loans shall not exceed \$150,000,000 of contingent liability for loan principal: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration.

Prohibition.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$26,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1986.

42 USC 6701
note.
19 USC 2251.
42 USC 5184
note.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$253,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; \$192,000,000, of which \$7,090,000 is for the Office of Textiles and Apparels, including \$3,500,000 for a grant to the Tailored Clothing Technology Corporation, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. During fiscal year 1986 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$8,100,000. During fiscal year 1986, commitments to guarantee loans shall not exceed \$6,000,000 of contingent liability for loan principal.

50 USC app.
2401 note.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

Prohibition.

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$45,000,000, of which \$31,495,000 shall remain available until expended: *Provided*, That not to exceed \$13,595,000 shall be available for program management for fiscal year 1986: *Provided further*, That none of the funds appropriated in this paragraph or in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such action in accordance with the Committees' reprogramming procedures.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and including employment of aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed \$8,000 for representation expenses abroad; \$12,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

33 USC 851.

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; \$1,130,699,000, to remain available until expended, of which \$600,000 shall be for enhancements to the EROS Data Center in Sioux Falls, South Dakota, and in addition, \$28,000,000 shall be derived from the Airport and Airways Trust Fund; and in addition, \$35,700,000 shall be derived by transfer from the Fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"; and in addition, \$8,000,000 shall be derived by transfer from the Coastal Energy Impact Fund: *Provided*, That unexpended balances in the

account "Coastal Zone Management" are merged with this account on October 1, 1985: *Provided further*, That grants to States pursuant to section 306 and section 306(a) of the Coastal Zone Management Act, as amended, shall not exceed \$2,000,000 and shall not be less than \$450,000: *Provided further*, That of the funds appropriated in this paragraph, necessary funds shall be used to fill and maintain a staff of three persons, as National Oceanic and Atmospheric Administration personnel, to work on contracts and purchase orders at the National Data Buoy Center in Bay St. Louis, Mississippi, and report to the Director of the National Data Buoy Center in the same manner and extent that such procurement functions were performed at Bay St. Louis prior to June 26, 1983, except that they may provide procurement assistance to other Department of Commerce activities pursuant to ordinary interagency agreements. Where practicable, these positions shall be filled by the employees who performed such functions prior to June 26, 1983. In addition, \$3,000,000 shall be for payments under section 4(b) of the Commercial Fisheries Research and Development Act of 1964 for commercial fisheries failures and disruptions.

16 USC 1455.

16 USC 779b.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$750,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

43 USC 1841.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 94-265), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$4,500,000, to remain available until expended.

16 USC 971 note.
94 Stat. 1069.
16 USC 1801
note.
16 USC 1801
note.

FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, \$3,000,000, of which \$1,200,000 is to be derived from the general fund of the Treasury and of which \$1,800,000 is to be derived from the receipts collected pursuant to that Act, to remain available until expended.

22 USC 1971
note.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, \$84,700,000 and, in addition, such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

98 Stat. 3392.

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards \$123,985,000, to remain available until expended, of which not to exceed \$3,708,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, \$13,400,000 of which \$700,000 shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND
CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$24,000,000, to remain available until expended: *Provided*, That not to exceed \$1,200,000 shall be available for program management as authorized by section 391 of the Communications Act of 1934, as amended: *Provided further*, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balance may be made available for grants for projects for which application have been submitted and approved during any fiscal year.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriation and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (1 U.S.C. 1514), to the extent and in the manner prescribed by said Act and, notwithstanding 31 U.S.C. 3324, may be used for advance payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

Motor vehicles.

SEC. 102. During the current fiscal year, appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles services as authorized by 5 U.S.C. 3109; and uniforms or allowance therefor, as authorized by law (5 U.S.C. 5901-5902).

Prohibitions.
Contracts.
Loans.

SEC. 103. No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

42 USC 3121
note.
19 USC 2344.
Prohibitions.
Fish and fishing.
Report.

SEC. 104. None of the funds made available in this or any prior Act shall be obligated or expended to relocate the National Marine Fisheries Service's Sandy Hook Laboratory, or any of its activities or programs, out of New Jersey. Notwithstanding the previous sentence, the Secretary of Commerce shall submit a report to the Appropriations Committees of both houses of Congress by February 1, 1986, evaluating options for restoring or replacing that por-

tion of the Sandy Hook Laboratory destroyed by fire: *Provided*, That any proposed relocation or replacement of the Laboratory pursuant to said report shall be subject to the reprogramming procedures in section 606 of this Act.

This title may be cited as the "Department of Commerce Appropriation Act, 1986".

Post, p. 1170.

TITLE II—DEPARTMENT OF JUSTICE

Department of
Justice
Appropriation
Act, 1986.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$70,800,000.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, \$9,800,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; \$205,000,000, of which not to exceed \$6,000,000 for litigation support contracts shall remain available until September 30, 1987.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$44,500,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$700,000.

22 USC 3901
note.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND TRUSTEES

For necessary expenses of the Offices of the United States attorneys and bankruptcy trustees, \$332,000,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service including acquisition, lease, maintenance, and operation of vehicles and aircraft, \$150,000,000.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions \$52,000,000; and in addition, \$5,000,000 shall be available under the Cooperative Agreement Program until expended for the purposes of renovating, constructing, and equipping State and local correctional facilities: *Provided*, That amounts made available for construction any local correctional facility shall not exceed the cost of constructing space for the average Federal prisoner population to be housed in the facility, or in other facilities in the same correctional system as projected by the Attorney General: *Provided further*, That following agreement on or completion of any federally assisted correctional facility construction, the availability of the space acquired for Federal prisoners with these Federal funds shall be assured and the per diem rate charged for housing Federal prisoners in the assured space shall not exceed operating costs for the period of time specified in the cooperative agreement.

FEEES AND EXPENSES OF WITNESSES

18 USC 3525
note.

98 Stat. 2162.

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law including advances; \$47,400,000, to remain available until expended of which not to exceed \$550,000 may be made available for planning construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites: *Provided*, That restitution of not to exceed \$25,000 shall be paid to the estate of victims killed before October 12, 1984 as a result of crimes committed by persons who have been enrolled in the Federal witness protection program, if such crimes were committed within two years after protection was terminated notwithstanding any limitations contained in part (a) of section 35 of title 18 of the United States Code.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

42 USC 2000g.

8 USC 1522 note.

For necessary expenses of the Community Relations Service established by title X of the Civil Rights Act of 1964, \$29,900,000, of which \$23,266,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance

with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524, as amended by the Comprehensive Forfeiture Act of 1984, such sums as may be necessary to be derived from the Department of Justice Assets Forfeiture Fund: *Provided*, That in the aggregate, not to exceed \$10,000,000 shall be available for expenses authorized by subsections (c)(1)(B), (c)(1)(E), and (c)(1)(F) of that section.

98 Stat. 2040.
18 USC 1961
note.

INTERAGENCY LAW ENFORCEMENT

PRESIDENTIAL COMMISSION ON ORGANIZED CRIME

For expenses necessary for the Presidential Commission on Organized Crime, \$1,000,000.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed one thousand six hundred forty passenger motor vehicles of which one thousand four hundred fifty will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$1,209,000,000, of which not to exceed \$25,000,000 for automated data processing and telecommunications and \$1,000,000 for undercover operations shall remain available until September 30, 1987; of which \$3,000,000 for research related to investigative activities shall remain available until expended; and of which not to exceed \$500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism: *Provided*, That notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than \$13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further*, That \$13,120,000 shall remain available until expended for constructing and equipping new facilities at the FBI Academy, Quantico, Virginia: *Provided further*, That not to exceed \$45,000 shall be available for official reception and representation expenses: *Provided further*, That by June 1, 1986, the Director of the FBI shall submit to the appropriate committees of the Congress a report on the FBI's capabilities and efforts to counter the electronic interception of American telecommunications by foreign agents.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed seven hundred fifty-two passenger motor vehicles of which four hundred eighty-nine are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$380,000,000, of which not to exceed \$1,200,000 for research shall remain available until expended and not to exceed \$1,700,000 for purchase of evidence and payments for information shall remain available until September 30, 1987.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed four hundred ninety, all of which shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; \$593,800,000, of which not to exceed \$400,000 for research shall remain available until expended: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$23,000 except in such instances when the Commissioner makes a determination that this restriction is impossible to implement: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That no funds appropriated in this Act may be used to implement Immigration and Naturalization Service reorganization proposals which would have the purpose of or would result in the closing of the Northern Regional Office of the Immigration and Naturalization Service at Fort Snelling, Minnesota.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed one hundred nine, of which ninety-four are for replacement only) and hire of law enforcement and passenger motor vehicles; \$556,900,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions:

Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, \$11,000,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$46,063,000, and from this amount and any unobligated balances of previous appropriations for "Buildings and Facilities", not to exceed a total of \$7,100,000 shall be available to renovate or construct a facility for the incarceration of illegal alien felons, in accordance with the standards and procedures of the Federal Bureau of Prisons, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as herein-after provided.

31 USC 9104.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,102,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$7,018,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

98 Stat. 2077.
 42 USC 3711
 note.
 98 Stat. 2107.
 42 USC 5601
 note.
 98 Stat. 2125.
 42 USC 5601
 note.
 42 USC 5601
 note.
 98 Stat. 2111,
 2114, 2117.
 98 Stat. 2080,
 2087.
 42 USC 5611.

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice Assistance Act of 1984, Runaway Youth and Missing Children Act Amendments of 1984, and the Missing Children Assistance Act including salaries and expenses in connection therewith, \$128,700,000 and of the unobligated funds previously appropriated for the Juvenile Justice and Delinquency Prevention Act, other than funds subject to provisions of sections 222(b), 223(d), and 228(e) of title II of such Act, \$9,300,000 shall be made available for programs authorized under parts D and E of the Justice Assistance Act of 1984, all funds appropriated herein to remain available until expended; and for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith \$70,282,000, to remain available until expended. In addition \$5,000,000 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1985 through September 30, 1986 following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1986 a listing of names of such Mariel Cubans incarcerated in their respective facilities: *Provided further*, That the Attorney General, not later than April 1, 1986, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed \$12,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. A total of not to exceed \$75,000 from funds appropriated to the Department of Justice in this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

Highways.
 23 USC 114 note.

SEC. 202. Notwithstanding any other provision of law or this Act materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

SEC. 203. Appropriations for "Salaries and expenses, General Administration", "Salaries and expenses, United States Marshal Service", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Federal Prison System", shall be available for uniforms and allowances therefor as authorized by law (U.S.C. 5901-5902).

Effective date.

SEC. 204. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appro-

priation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

93 Stat. 1040.

(b)(1) With respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

Crimes and misdemeanors.

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1986, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

Public buildings and grounds.

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1986, may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

98 Stat. 1184.
Corporations.
Business and industry.

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration, for fiscal year 1986, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

Banks and banking.

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

Crimes and misdemeanors.

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is

necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

Corporation.
Business and
industry.
Report.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

Audit.
28 USC 533 note.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1986—

(i) submit the results of such audit in writing to the Attorney General, and

Report.

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

Report.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

28 USC 533 note.

(A) the term “closed” refers to the earliest point in time at which—

(I) all criminal proceedings (other than appeals) are concluded, or

Crimes and misdemeanors.

(II) covert activities are concluded, whichever occurs later,

(B) the term “employees” means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms “undercover investigative operation” and “undercover operation” mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed \$50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed \$150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

This title may be cited as the “Department of Justice Appropriation Act, 1986”.

TITLE III—DEPARTMENT OF STATE

Department of State
Appropriation Act, 1986.

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945), expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; \$1,455,000,000.

98 Stat. 2710.

REOPENING CONSULATES

For necessary expenses of the Department of State and the Foreign Service for reopening and operating certain United States consulates as specified in section 103 of the Department of State Authorization Act, fiscal years 1982 and 1983, \$1,700,000.

96 Stat. 273.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, \$4,700,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

97 Stat. 1044.

Ante, p. 418.

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 605 of Public Law 98-164, and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, \$9,500,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), \$337,000,000, to remain available until expended: *Provided*, That balances of previous appropriations for "Acquisition, operation, and maintenance of buildings abroad" shall be transferred to and merged with this appropriation.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service to be expended pursuant to the requirement of 31 U.S.C. 3526(e), \$4,400,000.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

22 USC 3301
note.

For necessary expenses to carry out the Taiwan Relations Act of 1979, Public Law 96-8 (93 Stat. 14), \$9,800,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$118,174,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

22 USC 269a
note.

Prohibition.

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$463,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, \$29,400,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, \$6,000,000, to remain available until expended, of which not to exceed \$207,000 may be expended for representation as authorized by law.

22 USC 2672.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES
AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

22 USC 269a
note.

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, \$11,300,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further*, That not to exceed \$1,200,000 of the amount appropriated in this paragraph shall be available for reimbursement of the city of San Diego, in the State of California, for expenses incurred in treating domestic sewage received from the city of Tijuana, in the State of Baja California, Mexico.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, to remain available until expended, \$2,257,000.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed \$6,000 for representation, \$3,755,000; for the International

Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions not otherwise provided for, \$11,300,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

Yugoslavia.

For expenses, not otherwise provided for, to enable the United States to participate in programs of scientific and technological cooperation with Yugoslavia \$2,000,000, to remain available until expended.

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, \$10,000,000, to remain available until expended.

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses not otherwise provided to enable the Secretary of State to reimburse private firms and American institutions of higher education for research contracts and graduate training for development and maintenance of knowledge about the Soviet Union and Eastern European countries, \$4,800,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

Transportation.

SEC. 301. Funds appropriated under this title shall be available except as otherwise provided, for allowances and differentials authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger or freight transportation.

Prohibition.
International
organizations.

SEC. 302 None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

This title may be cited as the "Department of State Appropriation Act, 1986".

TITLE IV—THE JUDICIARY

Judiciary
Appropriation
Act, 1986.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice and not to exceed \$10,000 for the purpose of transporting Associate Justices, hire of passenger motor vehicles; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$15,000,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract, and for security installations both without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); \$2,275,000, of which \$275,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for all necessary expenses of the court, \$5,500,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; \$6,400,000: *Provided*, That travel expenses of judges of the Court of International Trade shall be paid upon written certificate of the judge.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL
SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands); judges of the United States Claims Court; bankruptcy judges; and justices and judges retired from office or from

98 Stat. 350. regular active service under title 28, United States Code, sections 371, 372, and 373; \$103,000,000.

SALARIES OF SUPPORTING PERSONNEL

28 USC 604 note. For the salaries of secretaries and law clerks to circuit, district, and bankruptcy judges, magistrates and staff, circuit executives, clerks of court, probation officers, pretrial service officers, staff attorneys, librarians, the supporting personnel of the United States Claims Court, and all other officers and employees of the Federal Judiciary, not otherwise specifically provided for, \$474,900,000: *Provided*, That the secretaries and law clerks to judges shall be appointed in such number and at such rates of compensation as may be determined by the Judicial Conference of the United States: *Provided further*, That the number of staff attorneys to be appointed in each of the courts of appeals shall not exceed the ratio of one attorney for each authorized judgeship.

DEFENDER SERVICES

18 USC 3006A note. For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by law; \$61,800,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses and refreshments of jurors; compensation of jury commissioners; and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure; \$43,400,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

For necessary operation and maintenance expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, \$135,000,000, of which \$6,000,000 shall be available for contractual services and expenses relating to the supervision of drug dependent offenders.

SPACE AND FACILITIES

For rental of space, alterations, and related services and facilities for the United States Courts of Appeals, District Courts, Bankruptcy Courts, and Claims Court, \$147,000,000.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspec-

tion of packages, directed security patrols, and other similar activities; \$32,750,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, hire of a passenger motor vehicle, and rent in the District of Columbia and elsewhere, \$29,200,000, of which an amount not to exceed \$5,000 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$9,600,000.

81 Stat. 664.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210.

85 Stat. 743.

SEC. 403. The position of Trustee Coordinator in the Bankruptcy Courts of the United States shall not be limited to persons with formal legal training.

SEC. 404. Notwithstanding any other provision of law, the Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. The Administrator of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. The provisions of this paragraph shall terminate on October 1, 1986.

Prohibition.

This title may be cited as "the Judiciary Appropriation Act, 1986".

Termination.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT
AUTHORITY)

46 USC 1245. For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, \$299,500,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development activities as authorized by law, \$9,900,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$69,700,000, to remain available until expended. *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Utilities.
Contracts.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

46 USC 1245. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed \$43,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), \$25,850,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., \$102,700,000, of which not to exceed \$52,000 may be made available for official reception and representation expenses.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES
CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution authorized by Public Law 98-101 (97 Stat. 719-723), \$775,000, to remain available until expended.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$12,300,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For expenses necessary for the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$550,000 to remain available until expended: *Provided*, That not to exceed \$6,000 of such amount shall be available for official reception and representation expenses.

22 USC 3001.

COMMISSION ON THE UKRAINE FAMINE

For necessary expenses of the Commission on the Ukraine Famine to carry out the provisions of S. 2456 (98th Congress) as passed the Senate on September 21, 1984, \$400,000, to remain available until expended, and the Commission on the Ukraine Famine as contained in S. 2456, is hereby established, with modifications as follows:

ESTABLISHMENT

SECTION 1. There is established a commission to be known as the "Commission on the Ukraine Famine" (in this Act referred to as the "Commission").

PURPOSE OF THE COMMISSION

SEC. 2. The purpose of the Commission is to conduct a study of the 1932-1933 Ukraine famine in order to—

- (1) expand the world's knowledge of the famine; and
- (2) provide the American public with a better understanding of the Soviet system by revealing the Soviet role in the Ukraine famine.

DUTIES OF THE COMMISSION

SEC. 3. The duties of the Commission are to—

(1) conduct a study of the 1932-1933 Ukraine famine (in the Act referred to as the "famine study"), in accordance with section 6 of this Act, in which the Commission shall—

(A) gather all available information about the 1932-1933 famine in Ukraine;

(B) analyze the causes of such famine and the effects it has had on the Ukrainian nation and other countries; and

(C) study and analyze the reaction by the free countries of the world to such famine; and

Report.

(2) submit to Congress for publication a final report on the results of the famine study no later than two years after the organizational meeting of the Commission held under section 6(a) of this Act.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of fifteen members who shall be appointed within thirty days after the date of enactment of this Act, as follows:

(1) Four members shall be Members of the House of Representatives and shall be appointed by the Speaker of the House of Representatives. Two such members shall be selected from the majority party of the House of Representatives and two such members shall be selected, after consultation with the minority leader of the House, from the minority party of the House of Representatives. The Speaker also shall designate one of the House Members as Chairman of the Commission.

(2) Two members shall be Members of the Senate and shall be appointed by the President pro tempore of the Senate. One such member shall be selected from the majority party of the Senate and one such member shall be selected, after consultation with the minority leader of the Senate, from the minority party of the Senate.

(3) One member shall be from among officers and employees of each of the Departments of State, Education, and Health and Human Services and shall be appointed by the President, after consultation with the Secretaries of the respective departments.

(4) Six members shall be from the Ukrainian-American community at large and Ukrainian-American chartered human rights groups and shall be appointed by the Chairman of the Commission in consultation with congressional members of the Commission, the Ukrainian-American community at large, and executive boards of Ukrainian-American chartered human rights groups.

(b) The term of office of each member shall be for the life of the Commission.

(c) Each member of the Commission who is not otherwise employed by the United States Government shall be paid from the sum appropriated to carry out this Act, the daily equivalent of the rate of basic pay payable for GS-18 of the General Schedule for each day, including travel time, during which he or she is attending meetings or hearings of the Commission or otherwise performing Commission-related duties as requested by the Chairman of the Commission. Any member of the Commission who is an officer or employee of the

United States Government or a Member of Congress shall serve without additional compensation. Each member of the Commission shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Not later than thirty days after all members have been appointed to the Commission, the Commission shall hold an organizational meeting to establish the rules and procedures under which it will carry out its responsibilities.

(b) The Commission shall hire experts and consultants in accordance with section 3109 of title 5, United States Code, from the academic community to assist in carrying out the famine study. Such experts and consultants shall be chosen by a majority vote of the Commission members on the basis of their academic background and their experience relevant to research on the Ukraine famine. No person shall be otherwise employed by the Federal Government while serving as an expert or consultant to the Commission.

(c) The Commission shall have a staff director, who shall be appointed by the Chairman.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission or any member it authorizes may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission or any such member may administer oaths or affirmations to witnesses appearing before it.

(b)(1) The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) The subpoenas of the Commission may be issued by the Chairman of the Commission or any member designated by him and may be served by any person designated by the Chairman or such member. The subpoenas of the Commission shall be served in the same manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(3) If a person issued a subpoena under paragraph (1) refuses to obey such subpoena, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished as a contempt of the court.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(c) The Commission may obtain from any department or agency of the United States information that it considers useful in the discharge of its duties. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

5 USC 5101 *et seq.*

(d) The Commission may appoint and fix the pay of such personnel as it considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter 53 of such title, relating to classification and General Schedule pay rates. No individual so appointed may receive pay in excess of the maximum annual rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(e) The Commission may solicit, accept, use, and dispose of donations of money, property, or services.

(f) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(g) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) The Commission may procure by contract any supplies, services, and property, including the conduct of research and the preparation of reports by Government agencies and private firms necessary to discharge the duties of the Commission, in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts.

TERMINATION

SEC. 7. The Commission shall terminate sixty days after the report of the Commission is submitted to Congress under section 4(4) of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There is authorized to be appropriated the sum of \$400,000 to remain available until expended, to carry out this Act.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$20,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, and sections 6 and 14 of the Age Discrimination in Employment Act; \$165,000,000.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed \$700,000 for land and structures; not to exceed \$200,000 for improvement and care of grounds and repair to buildings; not to exceed \$3,000 for official reception and representation expenses; purchase (not to exceed ten) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$94,400,000. Not to exceed \$300,000 of the foregoing amount shall remain available until September 30, 1987, for research and policy studies.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; \$11,870,000: *Provided*, That not to exceed \$1,500 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; the sum of \$65,500,000: *Provided*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

15 USC 57a and
note, 57c note.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$28,600,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, \$775,000 to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of \$1,200,000 based on exchange rates at the time of payment of such amounts, to remain

22 USC 2901
note.

available until expended: *Provided*, That not to exceed a total of \$2,500 of such amounts shall be available for official reception and representation expenses.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

42 USC 2701
note.

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended \$305,500,000: *Provided*, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients except that this proviso may be superseded by regulations governing the bringing of class action suits promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further*, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

42 USC 2996c.

(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

(A) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity

(B) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

(C) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

(i) the client and each such client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill:

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official: *Provided further*, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: *Provided further*, That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

Prohibition.

Prohibition.
Aliens.

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

8 USC 1101 note.

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)):

Aliens.

Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of the previous proviso: *Provided further*, That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegals or personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under statute, order, or regulation: *Provided further*, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this title shall not be terminated, and suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions:

Prohibition.

Prohibition.

42 USC 2996j.

(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

Prohibition.

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that an application for refunding shall not be denied unless the grantee, contractor, or person or entity receiving assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action

should not be taken and subject to all other conditions of the previous proviso: *Provided further*, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: *Provided further*, That none of the funds appropriated in this Act for the Corporation shall be used, directly or indirectly, by the Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27, 1984 unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 606 of this Act.

Prohibition.

Prohibition.

Post, p. 1170.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$900,000. 16 USC 1401.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For expenses necessary for the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$13,158,000: *Provided*, That not to exceed \$72,000 shall be available for official reception and representation expenses.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed \$2,000 for official reception and representation expenses, \$111,100,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed \$2,500 for official reception and representation

15 USC 631 note.

expenses, \$173,800,000; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended, \$35,000,000. In addition \$80,000,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster Loan Fund".

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

98 Stat. 169.
15 USC 631 note.

For necessary expenses of the White House Conference on Small Business as authorized by Public Law 98-276, \$2,700,000, to remain available until expended.

REVOLVING FUNDS

31 USC 9104.

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to its revolving funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster Loan Fund", the "Business Loan and Investment Fund", the "Lease Guarantees Revolving Fund", the "Pollution Control Equipment Contract Guarantees Revolving Fund", and the "Surety Bond Guarantees Revolving Fund".

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business Loan and Investment Fund", \$66,000,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business Loan and Investment Fund", \$101,000,000, to remain available without fiscal year limitation.

SURETY BOND GUARANTEES REVOLVING FUND

15 USC 661 note.

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, \$7,000,000, to remain available without fiscal year limitation.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

42 USC 10701
note.

For necessary expenses of the State Justice Institute authorized by the State Justice Institute Act of 1984 (Public Law 98-620; 98 Stat. 3336-3346), \$8,000,000, of which not to exceed \$715,000 shall be available for administration.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

5 USC app.

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States

Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$270,000, of which \$250,000 is to facilitate United States participation in international expositions abroad); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed \$20,000; \$571,000,000, none of which shall be restricted from use for the purposes appropriated herein: *Provided*, That not to exceed \$800,000 may be used for representation abroad: *Provided further*, That not to exceed \$5,704,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That receipts not to exceed \$500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs, as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), \$128,106,000. For the Private Sector Exchange Programs, \$9,894,000, of which \$1,500,000, to remain available until expended, is for the Eisenhower Exchange Fellowship Program.

5 USC app.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, \$114,000,000, to remain available until expended.

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, \$10,700,000, to remain available until expended.

22 USC 1465
note.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii,

22 USC 2054
note.

Prohibition. \$20,750,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949 as amended.

63 Stat. 954.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$18,000,000.

22 USC 4411
note.

GENERAL PROVISIONS—UNITED STATES INFORMATION AGENCY

Prohibition. SEC. 501. None of the funds provided in this Act for the United States Information Agency shall be awarded to the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, or any other organization connected in any manner with any political party operating in the United States, unless said Institutes agree that such funds received from the National Endowment for Democracy shall not be expended to finance the campaigns of candidates for public office in any country; shall not be used to finance activities of the Republican National Committee or the Democratic National Committee; shall not be used for partisan activities on behalf of either the Republican National Committee or the Democratic National Committee or on behalf of any candidate for public office; and agree that no officer or employee of the Republican or Democratic National Committee may serve as an officer or member of the Board of Directors of either Institute.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$1,100,000, to remain available until expended.

98 Stat. 2017.
28 USC 991 *et seq.*

TITLE VI—GENERAL PROVISIONS

Prohibition. SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Prohibition. SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Contracts. SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Provisions held invalid. SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Prohibitions.
Commerce and
trade.

15 USC 1-7, 12.

SEC. 605. None of the funds appropriated in titles II and V of this Act may be used for any activity to alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws: *Provided*, That nothing in this provision shall prohibit any employee of a department or agency for which funds are provided in titles II and V of this Act from presenting testimony on this matter before appropriate committees of the House and Senate: *Provided further*, That whereas on January 23, 1985, the Department of Justice published a document entitled "Vertical Restraints Guidelines", for the stated purpose of explaining Federal policy for enforcing the Sherman Act and the Clayton Act with respect to nonprice vertical restraints of trade;

Whereas such policy guidelines extend beyond the matter of nonprice vertical restraints of trade and propose the avoidance of the per se rule of illegality applied by the Supreme Court in 1911 in *Dr. Miles Medical Company against John D. Park and Sons Company* (220 U.S. 373) to price-related restraints of trade and subsequently applied by the Supreme Court and endorsed by the Congress on many occasions;

Whereas such policy guidelines are inconsistent with established antitrust law, as reflected in Supreme Court decisions and statements of congressional intent, in maintaining that such policy guidelines do not treat vertical price fixing when, in fact, some provisions of such policy guidelines suggest that certain price fixing conspiracies are legal if such conspiracies are "limited" to restricting intrabrand competition; by blurring the distinction between price and nonprice restraints in analyzing a distribution program containing both types of restraints, thereby qualifying the accepted rule that vertical price fixing in any context is illegal per se; in stating that vertical restraints that have an impact upon prices are subject to the per se rule of illegality only if there is an "explicit agreement as to the specific prices"; in stating that restraints imposed by a manufacturer at the request of dealers are vertical in nature and therefore not subject to the per se rule of illegality; in aggregating the factors of collusion and foreclosure, thereby failing to distinguish adequately between the separate antitrust concerns associated with vertical territorial restraints and with exclusive dealing practices; in stating that less than absolute territorial restraints are "always legal"; and in arbitrarily specifying a 30 per centum minimum market share in the tying product for assessing the legality of tying arrangements;

Whereas such policy guidelines state that the Department of Justice may refuse to attribute to corporations the illegal conduct of their low-level employees acting within the scope of the authority conferred upon such employees by such corporations, contrary to the common law of corporate responsibility and agency in the antitrust context;

Whereas the general business community would be at risk if it accepted and relied upon such policy guidelines as an accurate statement of existing Federal antitrust laws in the area of vertical restraints of trade;

Whereas such policy guidelines relate to an area in which the Department of Justice has brought no enforcement actions in more than four years and may have been published, in part, as an attempt to influence the courts of the United States to pursue a

very narrow and limited vertical restraint analysis in deciding private enforcement antitrust cases;

Whereas previous antitrust enforcement policy guidelines issued by the Department of Justice have been substantially based on existing jurisprudence and congressional intent, and therefore have been given considerable weight by the courts of the United States in evaluating the facts in antitrust litigation; and

Whereas the "Vertical Restraints Guidelines" may affect the development of antitrust law to the detriment of competitive pricing of branded goods and services by direct or mail order retailers: Now, therefore, be it

Resolved, That it is the sense of the Congress that the antitrust enforcement policy guidelines stated in "Vertical Restraints Guidelines", published by the Department of Justice on January 23, 1985—

(1) are not an accurate expression of the Federal antitrust laws or of congressional intent with regard to the application of such laws to resale price maintenance and other vertical restraints of trade;

(2) shall not be accorded any force of law or be treated by the courts of the United States as binding or persuasive; and

(3) should be recalled by the Attorney General.

Prohibition.
Contracts.

SEC. 606. (a) None of the funds provided under this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for an existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 607. None of the funds appropriated by this Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion, except where the life of the mother would be endangered if the fetus were carried to term.

Prohibition.
Abortion.

This Act may be cited as “the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986”.

Approved December 13, 1985.

LEGISLATIVE HISTORY—H.R. 2965:

HOUSE REPORTS: No. 99-197 (Comm. on Appropriations) and No. 99-414 (Comm. of Conference).

SENATE REPORT No. 99-150 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 131 (1985):

July 17, considered and passed House.

Oct. 24, Nov. 1, considered and passed Senate, amended.

Dec. 5, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.

Dec. 6, Senate agreed to conference report; receded and concurred in House amendments.

Public Law 99-181
99th Congress

An Act

Dec. 13, 1985

[H.R. 3918]

To extend until December 18, 1985, the application of certain tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF INCREASE IN TAX ON CIGARETTES.

26 USC 5701
note.

Subsection (c) of section 283 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to increase in tax on cigarettes) is amended by striking out "December 15, 1985" and inserting in lieu thereof "December 19, 1985".

SEC. 2. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

Section 285 of the Trade Act of 1974 (19 U.S.C. note preceding section 2271) is amended by striking out "December 14, 1985" and inserting in lieu thereof "December 18, 1985".

SEC. 3. EXTENSION OF BORROWING AUTHORITY UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

45 USC 360.

Section 10(d) of the Railroad Unemployment Insurance Act is amended by striking out "December 14, 1985" each place it appears and inserting in lieu thereof "December 18, 1985".

SEC. 4. EXTENSION OF MEDICARE HOSPITAL AND PHYSICIAN PAYMENT PROVISIONS.

42 USC 1395ww
note.

Section 5(c) of the Emergency Extension Act of 1985 (Public Law 99-107) is amended by striking out "December 14, 1985" and inserting in lieu thereof "December 18, 1985".

Approved December 13, 1985.

LEGISLATIVE HISTORY—H.R. 3918:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 12, considered and passed House and Senate.

Public Law 99-182
99th Congress

An Act

To extend temporarily the dairy price support program and certain food stamp program provisions, and for other purposes.

Dec. 13, 1985
[H.R. 3919]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(d)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(1)(B)) is amended by striking out "December 13, 1985" and inserting in lieu thereof "December 31, 1985".

Ante, p. 818.

SEC. 2. The last sentence of section 17(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)) is amended by striking out "December 13, 1985" and inserting in lieu thereof "December 31, 1985".

Ante, p. 818.

SEC. 3. Effective for the period beginning December 14, 1985, and ending December 31, 1985, section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by striking out "noncash".

Effective date.

SEC. 4. Section 317(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c(d)) is amended by inserting after the first sentence the following new sentence: "Notwithstanding the foregoing sentence, the proclamation of the national marketing quota for the 1986 crop of Flue-cured tobacco may be made not later than December 31, 1985."

Ante, p. 818.

Tobacco.

Approved December 13, 1985.

Public Law 99-183
99th Congress

Joint Resolution

Dec. 16, 1985
[S.J. Res. 238]

Relating to the approval and implementation of the proposed agreement for nuclear cooperation between the United States and the People's Republic of China.

Energy.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the Congress does favor the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, done on July 23, 1985 (hereafter in this joint resolution referred to as the "Agreement").

Ante, p. 159.

(2) Notwithstanding section 123 of the Atomic Energy Act of 1954, the Agreement becomes effective in accordance with the provisions of this joint resolution and other applicable provisions of law.

Exports.

(b) Notwithstanding any other provision of law or any international agreement, no license may be issued for export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement, and no approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be given—

(1) until the expiration of a period of thirty days of continuous session of Congress after the President has certified to the Congress that—

(A) the reciprocal arrangements made pursuant to Article 8 of the Agreement have been designed to be effective in ensuring that any nuclear material, facilities, or components provided under the Agreement shall be utilized solely for intended peaceful purposes as set forth in the Agreement;

(B) the Government of the People's Republic of China has provided additional information concerning its nuclear non-proliferation policies and that, based on this and all other information available to the United States Government, the People's Republic of China is not in violation of paragraph (2) of section 129 of the Atomic Energy Act of 1954; and

(C) the obligation to consider favorably a request to carry out activities described in Article 5(2) of the Agreement shall not prejudice the decision of the United States to approve or disapprove such a request; and

(2) until the President has submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report detailing the history and current developments in the nonproliferation policies and practices of the People's Republic of China.

The report described in paragraph (2) shall be submitted in unclassified form with a classified addendum.

42 USC 2158.

President of U.S.
Report.

(c) Each proposed export pursuant to the Agreement shall be subject to United States laws and regulations in effect at the time of each such export. Exports.

(d) Nothing in the Agreement or this joint resolution may be construed as providing a precedent or other basis for the negotiation or renegotiation of any other agreement for nuclear cooperation.

(e) For purposes of subsection (b)—

(1) the continuity of a session of Congress is broken only by adjournment of the Congress sine die at the end of a Congress; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

Approved December 16, 1985.

LEGISLATIVE HISTORY—S.J. Res. 238 (H.J. Res. 404):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Nov. 21, considered and passed Senate.

Dec. 11, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 21, No. 51 (1985):

Dec. 16, Presidential statement.

Public Law 99-184
99th Congress

Joint Resolution

Dec. 17, 1985

[H.J. Res. 491]

Making further continuing appropriations for fiscal year 1986.

Ante, p. 1135.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution December 13, 1985 (Public Law 99-179) is hereby amended by striking out "six o'clock post meridiem, eastern standard time, December 16, 1985" and inserting in lieu thereof "December 19, 1985".

SEC. 2. Effective with the date of enactment of this joint resolution, through twelve o'clock post meridian, eastern standard time, December 19, 1985, none of the funds appropriated by this or any other Act shall be used by the United States Synthetic Fuels Corporation for awards of financial assistance or payments with respect to projects or modules under the United States Synthetic Fuels Corporation Act of 1980.

42 USC 8701
note.

Approved December 17, 1985.

Public Law 99-185
99th Congress

An Act

To authorize the minting of gold bullion coins.

Dec. 17, 1985

[S. 1639]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Gold Bullion
Coin Act of 1985.
31 USC 5101
note.

SECTION 1. This Act may be cited as the "Gold Bullion Coin Act of 1985".

MINTING GOLD BULLION COINS

SEC. 2. (a) Section 5112(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(7) A fifty dollar gold coin that is 32.7 millimeters in diameter, weighs 33.931 grams, and contains one troy ounce of fine gold.

"(8) A twenty-five dollar gold coin that is 27.0 millimeters in diameter, weighs 16.966 grams, and contains one-half troy ounce of fine gold.

"(9) A ten dollar gold coin that is 22.0 millimeters in diameter, weighs 8.483 grams, and contains one-fourth troy ounce of fine gold.

"(10) A five dollar gold coin that is 16.5 millimeters in diameter, weighs 3.393 grams, and contains one-tenth troy ounce of fine gold."

(b) Section 5112 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

Ante, p. 115.

"(i)(1) Notwithstanding section 5111(a)(1) of this title, the Secretary shall mint and issue the gold coins described in paragraphs (7), (8), (9), and (10) of subsection (a) of this section, in quantities sufficient to meet public demand, and such gold coins shall—

31 USC 5111.

"(A) have a design determined by the Secretary, except that the fifty dollar gold coin shall have—

"(i) on the obverse side, a design symbolic of Liberty; and

"(ii) on the reverse side, a design representing a family of eagles, with the male carrying an olive branch and flying above a nest containing a female eagle and hatchlings;

"(B) have inscriptions of the denomination, the weight of the fine gold content, the year of minting or issuance, and the words 'Liberty', 'In God We Trust', 'United States of America', and 'E Pluribus Unum'; and

"(C) have reeded edges.

"(2)(A) The Secretary shall sell the coins minted under this subsection to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

Marketing.

Public Law 99-186
99th Congress

An Act

Dec. 18, 1985

[S. 727]

To clarify the application of the Public Utility Holding Company Act of 1935 encourage cogeneration activities by gas utility holding company systems.

Securities.

15 USC 79k

note.

15 USC 79k.

16 USC 2601

note.

16 USC 824a-3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 11(b)(1) of the Public Utility Holding Company Act of 1935, a company registered under said Act solely by reason of direct or indirect ownership of voting securities of one or more gas utility companies, or any subsidiary company of such registered company may acquire or retain, in any geographic area, any interest in any qualifying cogeneration facilities as defined pursuant to the Public Utility Regulatory Policies Act of 1978, and shall qualify for an exemption relating to the Public Utility Holding Company Act prescribed pursuant to section 210(e) of the Public Utility Regulatory Policies Act. Nothing herein shall be construed to affect the applicability of provisions of the Public Utility Holding Company Act, other than section 11(b)(1), to the acquisition or retention of any such interest by any such company.

Approved December 18, 1985.

LEGISLATIVE HISTORY—S. 727:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Nov. 14, considered and passed Senate.

Dec. 6, considered and passed House.

Public Law 99-187
99th Congress

An Act

To amend the Act of October 15, 1982, entitled "An Act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes".

Dec. 18, 1985

[S. 1116]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BETHUNE MUSEUM AND ARCHIVES.

(a) COOPERATIVE AGREEMENT.—Section 3 of the Act of October 15, 1982, entitled "An Act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes" (96 Stat. 1615; 16 U.S.C. 461 note), is amended to read as follows:

"Sec. 3. In furtherance of the purposes of this Act and the Act of August 21, 1935 (16 U.S.C. 461-7), the Secretary of the Interior is authorized and directed to enter into cooperative agreements with the Bethune Museum and Archives. Such agreements may include provisions by which the Secretary will provide technical assistance to mark, restore, interpret, operate, and maintain the historic site and may also include provisions by which the Secretary will provide financial assistance to mark, interpret, and restore the historic site. Such agreement may also contain provisions that—

Historic
preservation.

"(1) the Secretary of the Interior, acting through the National Park Service, shall have right of access at all reasonable times to all public portions of the property covered by such agreement for the purpose of conducting visitors through such properties and interpreting them to the public; and

"(2) no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to such agreements.

No limitation or control of any kind over the use of such properties customarily used for the purposes of the Bethune Museum and Archives shall be imposed by any such agreement."

(b) ANNUAL REPORT.—Section 4 of such Act is amended by striking out "National Council of Negro Women" and inserting in lieu thereof "Bethune Museum and Archives".

SEC. 2. AUTHORIZATION.

Section 5 of the Act of October 15, 1982, entitled "An Act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes" (96 Stat. 1615; 16 U.S.C. 461 note) is amended to read as follows:

"ASSISTANCE

"SEC. 5. (a) OPERATION AND MAINTENANCE.—For purposes of carrying out the cooperative agreement under section 3, there is authorized to be appropriated for operation and maintenance of the historic site, not more than \$100,000 for the fiscal year 1987,

Appropriation
authorization.

\$110,000 for the fiscal year 1988, and \$120,000 for the fiscal year 1989.

Public buildings
and grounds.
Historic
preservation.

“(b) **MATCHING GRANTS.**—In addition to sums authorized to be appropriated under subsection (a), there is authorized to be appropriated for purposes of making grants to the Bethune Museum and Archives for purposes of building repair and improvement and for protection of the archives not more than \$300,000. Grants to the Bethune Museum and Archives under this subsection shall cover not more than 50 per centum of the costs of such building repair and improvement and archive protection. The remaining share shall be borne by the Bethune Museum and Archives with such non-Federal funds and documented services as are satisfactory to the Secretary. Sums authorized to be appropriated under this subsection shall remain available until expended.”.

SEC. 3. DEFINITION.

96 Stat. 1615.
16 USC 461 note.

Such Act is further amended by adding the following new section at the end thereof:

“REFERENCE TO BETHUNE MUSEUM AND ARCHIVES

“SEC. 6. Any reference in this Act to the ‘Bethune Museum and Archives’ shall be treated as a reference to the Mary McLeod Bethune Museum of the National Council of Negro Women, Incorporated.”.

SEC. 4. COMPLIANCE WITH BUDGET ACT.

Effective date.

Any provision of this Act (or any amendment made by this Act) which directly or indirectly authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only after September 30, 1986.

2 USC 1562.

Approved December 18, 1985.

LEGISLATIVE HISTORY—S. 1116 (H.R. 1391):

SENATE REPORT No. 99-181 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Dec. 3, considered and passed Senate.
Dec. 9, considered and passed House.

Public Law 99-188
99th Congress

Joint Resolution

Waiving the printing on parchment of enrolled bills and joint resolutions during the remainder of the first session of the Ninety-ninth Congress.

Dec. 18, 1985

[H.J. Res. 485]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirement of sections 106 and 107 of title I, United States Code, that the enrollment of any bill or joint resolution originating in the House be printed on parchment be waived at the discretion of the Speaker, after consultation with the Minority Leader of the House, for the duration of the first session of the Ninety-ninth Congress, and that any enrollment be in such form as may be certified by the Committee on House Administration to be truly enrolled.

Approved December 18, 1985.

LEGISLATIVE HISTORY—H.J. Res. 485:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 16, considered and passed House.

Dec. 18, considered and passed Senate.

***Public Law 99-189**
99th Congress

An Act

Dec. 18, 1985

[H.R. 3981]

To extend until December 19, 1985, the application of certain tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF INCREASE IN TAX ON CIGARETTES.

Ante, p. 1172.
 26 USC 5701
 note.

Subsection (c) of section 283 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to increase in tax on cigarettes) is amended by striking out "December 19, 1985" and inserting in lieu thereof "December 20, 1985".

SEC. 2. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

Ante, p. 1172.

Section 285 of the Trade Act of 1974 (19 U.S.C. note preceding section 2271) is amended by striking out "December 18, 1985" and inserting in lieu thereof "December 19, 1985".

SEC. 3. EXTENSION OF BORROWING AUTHORITY UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

Ante, p. 1172.
 45 USC 360.

Section 10(d) of the Railroad Unemployment Insurance Act is amended by striking out "December 18, 1985" each place it appears and inserting in lieu thereof "December 19, 1985".

SEC. 4. EXTENSION OF MEDICARE HOSPITAL AND PHYSICIAN PAYMENT PROVISIONS.

Ante, p. 1172.
 42 USC 1395
 ww note.

Section 5(c) of the Emergency Extension Act of 1985 (Public Law 99-107) is amended by striking out "December 18, 1985" and inserting in lieu thereof "December 19, 1985".

Approved December 18, 1985.

*Note: The printed text of Public Law 99-189 is a reprint of the hand enrollment, signed by the President on December 18, 1985.

LEGISLATIVE HISTORY—H.R. 3981:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 18, considered and passed House and Senate.

*Public Law 99-190
99th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1986, and for other purposes.

Dec. 19, 1985

[H.J. Res. 465]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1986, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1986 (H.R. 3037), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Numbered 99-439), as filed in the House of Representatives on December 12, 1985, as if such Act had been enacted into law.

Notwithstanding any other provision of this Joint Resolution, each appropriation item in the referenced bill (H.R. 3037) made available under this subsection may be reduced by six-tenths of 1 per centum, if applied to every appropriation item, rounded to the nearest thousands of dollars, except for the following appropriations: Child Nutrition Programs and Special Milk Program which are true entitlements: *Provided*, That such reductions, if made, shall be applied proportionally to each program, project, and activity as set forth in the conference agreement (H. Rept. 99-439).

(b) such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriations Act, 1986, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

Infra.

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes.

Department of
Defense
Appropriations
Act, 1986.

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including

*Note: The printed text of Public Law 99-190 is a reprint of the hand enrollment, signed by the President on December 19, 1985.

all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; \$21,078,169,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; \$15,917,144,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; \$4,870,016,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund; \$17,744,770,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$2,178,564,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$1,267,734,000.

98 Stat. 2565.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$272,250,000.

98 Stat. 2565.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$584,430,000.

98 Stat. 2565.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$3,066,568,000.

98 Stat. 2565.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law, and for payments to the Department of Defense Military Retirement Fund; \$926,716,000.

98 Stat. 2565.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,642,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$18,975,507,000, which not less than \$1,471,600,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$3,787,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$24,477,071,000, of which not less than \$770,000,000 shall be available only for the maintenance of real property facilities, and of which \$100,000,000 shall be available only to reimburse United States Coast Guard Operating Expenses for operations and training relating to the Coast Guard's defense and military readiness missions: *Provided*, That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than \$3,650,000,000 shall be available for the performance of such work in Navy shipyards: *Provided further*, That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels, funds shall be available for a test program to acquire the overhaul of four or more vessels by competition between public and private shipyards. The Secretary of the Navy shall certify, prior to award of a contract under this test, that the successful bid includes comparable estimates of all direct and indirect costs for both public and private shipyards. Competition under such test program shall not be subject to section 502 of the Department of Defense Authorization Act, 1981, as amended, Office of Management and Budget Circular A-76: *Provided further*, That funds herein provided shall be available for payments

support of the LEASAT program in accordance with the terms of the Aide Memoire, dated January 5, 1981: *Provided further*, That obligations incurred or to be incurred hereafter for termination liability and charter hire in connection with the TAKX and T-5 programs, for which the Navy has already entered into agreement for charter and time charters including conversion or construction related to such agreements or charters shall, for the purposes of title 31, United States Code, (1) in regard to and so long as the Government remains liable for termination costs, be considered as obligations in the current Operation and Maintenance, Navy, appropriation account, to be held in reserve in the event such termination liability is incurred, in an amount equal to 10 per centum of the outstanding termination liability, and (2) in regard to charter hire, be considered obligations in the Navy Industrial Fund with an amount equal to the estimated charter hire for the then current fiscal year recorded as an obligation against such fund. Obligations of the Navy under such time charters are general obligations of the United States secured by its full faith and credit.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$1,612,050,000, of which not less than \$238,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, including the lease and associated maintenance of replacement aircraft for the CT-39 aircraft to the same extent and manner as authorized for service contracts by section 2306(g), title 10, United States Code; and not to exceed \$5,556,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$19,536,813,000, of which not less than \$1,385,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; \$7,432,569,000, of which not to exceed \$11,117,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That not less than \$91,147,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equip-

ment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$780,100,000, of which not less than \$49,865,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$894,950,000, of which not less than \$37,100,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$57,200,000, of which not less than \$2,850,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$902,700,000, of which not less than \$22,200,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$1,652,800,000, of which not less than \$57,300,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; \$1,806,200,000, of which not less than \$37,000,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; not to exceed \$920,000, of which not to exceed \$7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed \$680,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: *Provided*, That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313.

Ante, p. 735.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; \$143,300,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$3,200,000, and not to exceed \$1,500 can be used for official representation purposes.

TENTH INTERNATIONAL PAN AMERICAN GAMES

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the Tenth International Pan American Games) provided by any component of the Department of Defense to the Tenth International Pan American Games; \$10,000,000.

ENVIRONMENTAL RESTORATION, DEFENSE

For the Department of Defense; \$379,100,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration and hazardous waste disposal operations, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred pursuant to this provision are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$3,524,200,000, to remain available for obligation until September 30, 1988.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and

procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, as follows:

- Chaparral program, \$57,500,000;
- Other Missile Support, \$5,000,000;
- Patriot program, \$963,400,000;
- Stinger program, \$258,500,000;
- Laser Hellfire program, \$234,200,000;
- TOW program, \$190,500,000;
- Pershing II program, \$236,300,000;
- MLRS program, \$531,900,000;
- Modification of missiles, \$196,800,000;
- Spares and repair parts, \$312,000,000;
- Support equipment and facilities, \$56,632,000;

In all: \$2,904,332,000, to remain available for obligation until September 30, 1988: *Provided*, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$138,400,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordinance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$4,684,800,000, to remain available for obligation until September 30, 1988.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$2,497,200,000, to remain available for obligation until September 30, 1988: *Provided*, That none of the funds provided herein may be obligated or expended for production base projects until the Secretary of the Army has submitted to the Committees on Appropriations of the House of Representatives and the Senate a specific funding and program plan for RDX modernization which responds to congressional requirements on program phasing and direction concerning full funding, and which provides for initiation

of site specific work at Louisiana Army Ammunition Plant not later than June 30, 1986.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed two thousand four hundred and sixty-four passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, as follows:

Tactical and support vehicles, \$965,397,000;

Communications and electronics equipment, \$2,868,859,000;

Other support equipment, \$1,341,000,000;

Non-centrally managed items, \$105,300,000;

In all: \$5,275,556,000, to remain available for obligation until September 30, 1988: *Provided*, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$5,000,000.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$11,175,678,000, to remain available for obligation until September 30, 1988: *Provided*, That \$322,871,000 shall be available only for the procurement of nine new P-3C and submarine warfare aircraft: *Provided further*, That six P-3C aircraft shall be for the Naval Reserve.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows:

Poseidon, \$5,001,000;

TRIDENT I, \$36,226,000;

TRIDENT II, \$581,986,000;

Support equipment and facilities, \$17,107,000;
 Tomahawk, \$724,804,000;
 AIM/RIM-7 F/M Sparrow, \$359,200,000;
 AIM-9L/M Sidewinder, \$125,800,000;
 AIM-54A/C Phoenix, \$343,600,000;
 AIM-54A/C Phoenix advance procurement, \$24,800,000;
 AGM-84A Harpoon, \$314,873,000;
 AGM-88A HARM, \$236,000,000;
 SM-1 MR, \$20,300,000;
 SM-2 MR, \$509,719,000;
 SM-2 ER, \$303,200,000;
 Sidearm, \$30,500,000;
 Hellfire, \$51,768,000;
 Laser Maverick, \$173,458,000;
 IIR Maverick, \$27,809,000;
 Aerial targets, \$105,600,000;
 Drones and decoys, \$29,400,000;
 Other missile support, \$12,309,000;
 Modification of missiles, \$64,933,000;
 Support equipment and facilities, \$86,210,000;
 Ordnance support equipment, \$16,289,000;
 MK-48 ADCAP torpedo program, \$417,437,000;
 MK-46 torpedo program, \$125,115,000;
 MK-60 CAPTOR mine program, \$59,600,000;
 MK-30 mobile target program, \$18,600,000;
 MK-38 mini-mobile target program, \$3,499,000;
 Antisubmarine rocket (ASROC) program, \$15,551,000;
 Modification of torpedoes, \$115,055,000;
 Torpedo support equipment program, \$70,575,000;
 MK-15 close-in weapons system program, \$150,146,000;
 MK-75 gun mount program, \$17,905,000;
 MK-19 machine gun program, \$1,196,000;
 25mm gun mount, \$5,501,000;
 Small arms and weapons, \$11,305,000;
 Modification of guns and gun mounts, \$58,117,000;
 Guns and gun mounts support equipment program,
 \$1,200,000;
 Spares and repair parts, \$166,601,000;
 In all: \$5,227,795,000, to remain available for obligation until
 September 30, 1988: *Provided*, That within the total amount appro-
 priated, the subdivisions within this appropriation shall be reduced
 by \$210,500,000.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or
 conversion of vessels as authorized by law, including armor and
 armament thereof, plant equipment, appliances, and machine tools
 and installation thereof in public and private plants; reserve plant
 and Government and contractor-owned equipment layaway;
 procurement of critical, long leadtime components and designs for
 vessels to be constructed or converted in the future; and expansion
 of public and private plants, including land necessary therefor, and
 such lands and interests therein, may be acquired, and construction
 prosecuted thereon prior to approval of title, as follows:

TRIDENT ballistic missile submarine program,
 \$1,354,700,000;

SSN-688 attack submarine program, \$2,609,600,000;
 Battleship reactivation program, \$469,000,000;
 Aircraft carrier service life extension program, \$52,000,000;
 CG-47 cruiser program, \$2,652,500,000;
 DDG-51 destroyer program, \$74,000,000: *Provided*, That the Secretary of the Navy shall select a second source, by the most expeditious means available, for the CG-47 and DDG-51 SPY radar; AEGIS production test center, shipyard and shipboard combat system integration; AEGIS color graphic display systems; solid state frequency converters; and propellers in order to begin competition between the current contractors and the second source contractors in fiscal year 1988: *Provided further*, That any such selection shall not adversely affect the CG-47 and DDG-51 shipbuilding program schedule and costs;
 LSD-41 landing ship dock program, \$403,400,000;
 LHD-1 amphibious assault ship program, \$1,313,600,000;
 MCM mine countermeasures ship program, \$197,200,000;
 MSH coastal mine hunter program, \$184,500,000;
 T-AO fleet oiler program, \$278,500,000;
 T-AGOS ocean surveillance ship program, \$115,100,000;
 T-AG acoustic research ship program, \$57,000,000;
 ARTB nuclear reactor training ship conversion program, \$175,400,000;
 T-ACS auxiliary crane ship conversion program, \$82,500,000;
 T-AVB logistic support ship program, \$26,900,000;
 LCAC landing craft program, \$307,000,000;
 Strategic sealift program, \$228,400,000;
 For craft, outfitting, post delivery, and cost growth, \$500,800,000;

In all: \$10,840,400,000, to remain available for obligation until September 30, 1990: *Provided*, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$241,700,000: *Provided further*, That additional obligations may be incurred after September 30, 1990, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction; and each Shipbuilding and Conversion, Navy, appropriation that is currently available for such obligations may also hereafter be so obligated after the date of expiration: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of a naval vessel in foreign shipyards: *Provided further*, That of the funds appropriated in fiscal year 1983 for the FFG-7 guided missile frigate program, \$40,000,000 previously available only for an X-band phased array radar shall be available for the fiscal year 1984 guided missile frigate program (FFG-61). The FFG-61 shall be equipped with the MK-92 fire control system, Phase II update.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed n

hundred and twenty-four passenger motor vehicles of which eight hundred and twenty-five shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows:

- Ship support equipment, \$923,806,000;
- Communications and electronics equipment, \$2,096,302,000;
- Aviation support equipment, \$1,133,019,000;
- Ordnance support equipment, \$1,349,747,000;
- Civil engineering support equipment, \$232,558,000;
- Supply support equipment, \$58,917,000;
- Personnel and command support equipment, \$434,143,000;
- Spares and repair parts, \$279,838,000;
- Non-centrally managed items, \$125,300,000;

In all: \$6,377,630,000, to remain available for obligation until September 30, 1988: *Provided*, That within the total amount appropriated, the subdivisions within this appropriation shall be reduced by \$256,000,000.

COASTAL DEFENSE AUGMENTATION

For the augmentation of United States Coast Guard inventories to meet national security requirements, \$235,000,000, to remain available until expended: *Provided*, That these funds shall be for the procurement by the Department of Defense of vessels, aircraft, and equipment and for modernization of existing Coast Guard assets, to be made available to the Coast Guard for operation and maintenance.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed two hundred and three passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; \$1,660,766,000, to remain available for obligation until September 30, 1988.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equip-

ment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$23,255,424,000, to remain available for obligation until September 30, 1988, of which \$200,000,000 shall be available only to initiate the air defense aircraft competition authorized by law: *Provided*, That of the amounts appropriated not to exceed \$280,000,000 shall be available for competitive procurement of Air Force One mission replacement aircraft: *Provided further*, That none of the funds in this Act may be obligated on B-1B bomber production contracts if such contracts would cause the production portion of the Air Force's \$20,500,000,000 estimate for the B-1B bomber baseline costs expressed in fiscal year 1981 constant dollars to be exceeded: *Provided further*, That funds appropriated by this Act may be applied to a follow-on multiyear contract for F-16 production in which contract options shall be included to adjust the multiyear contract to accommodate the results of the air defense aircraft competition; such competition shall be completed no later than July 1, 1986, and a contract awarded within sixty days thereafter.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts, and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$8,312,442,000, to remain available for obligation until September 30, 1988.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed eight hundred and forty-nine passenger motor vehicles of which eight hundred and one shall be for replacement only; an expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, as follows:

Munitions and associated equipment, \$1,239,877,000;

Vehicular equipment, \$340,869,000;

Electronics and telecommunications equipment, \$2,608,650,000;

Other base maintenance and support equipment, \$4,626,287,000;

Non-centrally managed items, \$54,700,000;

In all: \$8,571,383,000, to remain available for obligation until September 30, 1988: *Provided*, That within the total amount appro-

priated, the subdivisions within this appropriation shall be reduced by \$299,000,000: *Provided further*, That no obligation may be incurred for the procurement of 30mm armor piercing ammunition unless there is component breakout for the depleted uranium penetrator.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, as follows:

Army Reserve, \$365,000,000;

Army National Guard, \$531,800,000, of which, subject to enactment of authorizing legislation, not more than \$40,000,000 may be used for minor projects to facilitate the delivery, storage, training and maintenance of Army National Guard equipment;

Air National Guard, \$255,000,000;

Naval Reserve, \$100,000,000;

Marine Corps Reserve, \$70,000,000;

Air Force Reserve, \$180,000,000;

In all: \$1,501,800,000, to remain available for obligation until September 30, 1988.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed four hundred and ninety passenger motor vehicles of which two hundred and fifty-one shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$1,302,740,000, to remain available for obligation until September 30, 1988.

DEFENSE PRODUCTION ACT PURCHASES

For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); \$31,000,000, to remain available for obligation until September 30, 1988.

98 Stat. 150, 151.

NATO COOPERATIVE DEFENSE PROGRAMS

For acquisition of point air defense of United States airbases and other critical United States military facilities in Italy; \$15,000,000, to remain available for obligation until September 30, 1988.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$4,798,172,000, of which \$17,000,000 is available only for completing development, transitioning into low-rate initial production, and initial procurement of shipsets required to arm UH-60 Blackhawk helicopters with Hellfire missiles, to remain available for obligation until September 30, 1987.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$10,065,239,000, of which \$17,523,000 is available only for the Low Cost Anti-Radiation Seeker Program and \$5,500,000 is available only for the Laser Articulating Robot System, to remain available for obligation until September 30, 1987.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$13,718,208,000, of which \$17,613,000 is available only for the Low Cost Seeker Program and \$5,000,000 is available only for the purpose of carrying out a research program to develop new and improved verification techniques to monitor compliance with any antisatellite weapon agreement that may be entered into by the United States and the Soviet Union, to remain available for obligation until September 30, 1987.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation of advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$6,637,386,000, of which \$700,000 shall be available only for the purpose of carrying out, through the Office of Technology Assessment, a comprehensive classified study to be submitted to the Appropriations Committees of the House of Representatives and the Senate, together with an unclassified version, no later than August 30, 1987, to determine the technological feasibility and implications and the ability to survive and function despite a preemptive attack by an aggressor possessing comparable technology, of the Strategic Defense Initiative Program; and \$8,287,000 shall be available for the joint Department of Defense-Department of Energy Conve

tional Munitions Technology Development Program, to remain available for obligation until September 30, 1987: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; \$118,500,000, to remain available for obligation until September 30, 1987.

TITLE V

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; \$2,100,000, to remain available for obligation until September 30, 1987: *Provided*, That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies.

TITLE VI

REVOLVING AND MANAGEMENT FUNDS

ARMY STOCK FUND

For the Army stock fund; \$393,000,000.

NAVY STOCK FUND

For the Navy stock fund; \$638,500,000.

MARINE CORPS STOCK FUND

For the Marine Corps stock fund; \$37,700,000.

AIR FORCE STOCK FUND

For the Air Force stock fund; \$415,900,000.

DEFENSE STOCK FUND

For the Defense stock fund; \$149,700,000.

ADP EQUIPMENT MANAGEMENT FUND

For the purchase of automatic data processing (ADP) equipment; \$100,000,000.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; \$101,400,000.

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; \$22,083,000.

TITLE VIII

GENERAL PROVISIONS

Contracts.
Public
availability.

SEC. 8001. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive orders issued pursuant to existing law.

Prohibitions.

SEC. 8002. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Transportation.

SEC. 8003. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return, may be authorized by law: *Provided*, That such contracts may be renewed annually.

10 USC 1584
note.

SEC. 8004. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, a person not a citizen of the United States shall not apply to personnel of the Department of Defense.

10 USC 138 note.

SEC. 8005. Appropriations for the Department of Defense for the current fiscal year and hereafter shall be available for: (a) expenses in connection with administration of occupied areas; (b) payment

as authorized for the Navy by section 7209(a) of title 10, States Code, for information leading to the discovery of naval property or the recovery thereof; (c) payment of judgments and interests thereon arising out of condemnation proceedings; (d) leasing of buildings and facilities including of rentals for special purpose space at the seat of government in the conduct of field exercises and maneuvers or, in the provisions of the Act of July 9, 1942 (56 Stat. 654; C. 315q), rentals may be paid in advance; (e) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (f) maintenance of access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (g) the use of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 202 of the National Defense Authorization Act of 1949 (7 U.S.C. 1446a), and the cost of milk so used, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (h) payments under contracts for real or personal property, including maintenance thereof contracted for as a part of the lease agreement, for twelve months beginning at any time during the fiscal year; (i) the purchase of right-hand-drive vehicles not to exceed \$12,000 per vehicle; (j) payment of unusual cost overruns incident to ship overhaul, maintenance, and repair for ships inducted into industrial fund activities or contracted for in prior fiscal years: *Provided*, That the Secretary of Defense shall notify the Congress promptly prior to the making of any such payments; (k) payments from annual appropriations to industrial fund activities and/or under contract for maintenance of ship overhaul, maintenance, and repair after the expiration of such appropriations, for such work either inducted into industrial fund activity or contracted for in that fiscal year; and (l) payments for depot maintenance contracts for twelve months beginning at any time during the fiscal year.

8006. Appropriations for the Department of Defense for the fiscal year and hereafter shall be available for: (a) military boards, and commissions; (b) utility services for buildings at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for well-being and recreational purposes; and (c) exchange fees, and losses in accounts of disbursing officers or agents in accordance with law. 8007. The Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the size and number of personnel jointly assigned to promoting small and minority business involvement in purchases financed with funds appropriated herein, and by making available or to be made available to such businesses, information, as far as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting and minority business concerns to participate equitably as contractors on contracts financed with funds appropriated and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this

Milk.

Real property.

Motor vehicles.

Vessels.

Vessels.
Contracts.

Contracts.

10 USC 138 note.

Public buildings
and grounds.

- Prohibitions. SEC. 8008. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.
- 10 USC 138 note. SEC. 8009. During the current fiscal year and hereafter:
 (a) The President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of section 1512 of title 31, United States Code, whenever he deems such action to be necessary in the interest of national defense.
 (b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).
 (c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).
 (d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).
- Prohibitions. SEC. 8010. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in case of members who have been assigned to a course of instruction of ninety days or more.
- Regulations. SEC. 8011. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of eighteen thousand pounds.
- Prohibitions. SEC. 8012. During the current fiscal year and hereafter, vessels under the jurisdiction of the Department of Transportation, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.
- Vessels.
40 USC 483a. SEC. 8013. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year. *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army, or to the appropriations provided in this Act for Claims, Defense.
- Prohibitions. SEC. 8014. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual
- Real property.

defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

Report.

SEC. 8015. During the current fiscal year and hereafter, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the Service concerned.

Research and development.
10 USC 2353
note.

SEC. 8016. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding \$10,000 shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further*, That nothing herein

Prohibitions.

Ante, pp. 203,
204, 279.

shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 8017. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized in section 5901 of title 5, United States Code.

SEC. 8018. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed \$13,334,000 for the current fiscal year: *Provided*, That this amount shall be available for apportionment among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense: *Provided further*, That costs for military retired pay accrual shall be included within this limitation.

Transportation.
Aircraft and air
carriers.

SEC. 8019. Of the funds made available by this Act for the services of the Military Airlift Command, \$100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil reserve air fleet.

(TRANSFER OF FUNDS)

SEC. 8020. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$950,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements than those for which originally appropriated and in no case when the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify Congress promptly of all transfers made pursuant to this authority.

Prohibitions.

(TRANSFER OF FUNDS)

SEC. 8021. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may

made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8022. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

Prohibitions.

SEC. 8023. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

Prohibitions.

SEC. 8024. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for reimbursement of any physician or other authorized individual provider of medical care in excess of the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code.

Prohibitions.
Health and
medical care.

98 Stat. 2543,
2617.

SEC. 8025. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of \$43,563,000: *Provided*, That costs for military retired pay accrual shall be included within this limitation.

98 Stat. 2617.
Prohibitions.

SEC. 8026. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1)(A) of that Act: *Provided*, That such amounts shall be credited to the Special Defense Acquisition Fund, as authorized by law, or, to the extent not so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code.

Prohibitions.

22 USC 2777.
Ante, p. 196.

SEC. 8027. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1983, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further*, That enrollment standards contained in Department of Defense Directive

Prohibitions.

1215.8 for Senior Reserve Officers' Training Corps units, as revised during fiscal year 1981, may be used to determine compliance with this provision, in lieu of the standards cited above.

Prohibitions.

SEC. 8028. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1987.

Prohibitions.

SEC. 8029. None of the funds appropriated by this Act may be used to support more than 9,901 full-time and 2,603 part-time military personnel assigned to or used in the support of Morale, Welfare, and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated September 4, 1980.

SEC. 8030. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

Prohibitions.
Claims.
Germany.

SEC. 8031. None of the funds appropriated by this Act or hereinafter appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

Contracts.

SEC. 8032. During the current fiscal year the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3718 of title 31, United States Code.

Prohibitions.
Contracts.

SEC. 8033. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work,

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of a unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements in equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

Prohibitions.
Health and
medical care.

SEC. 8034. None of the funds appropriated by this Act shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided*, That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care, except that inpatient medical care may be provided in the United States without cost to military personnel and their dependents from a foreign country if comparable care is made available

a comparable number of United States military personnel in that foreign country.

SEC. 8035. None of the funds appropriated by this Act shall be obligated for the second career training program authorized by Public Law 96-347.

94 Stat. 1150.
Prohibitions.
Firearms.

SEC. 8036. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of surplus nonautomatic firearms less than .50 caliber.

Prohibitions.
Contracts.

SEC. 8037. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

- T-700 series aircraft engines;
- MK-46 torpedo program;
- Bradley Fighting Vehicle transmission;
- M-1 tank chassis;
- M-1 tank engine;
- M-1 tank fire control components; and
- LHD-1 amphibious assault ships.

SEC. 8038. None of the funds appropriated by this Act which are available for payment of travel allowances for per diem in lieu of subsistence to enlisted personnel shall be used to pay such an allowance to any enlisted member in an amount that is more than the amount of per diem in lieu of subsistence that the enlisted member is otherwise entitled to receive minus the basic allowance for subsistence, or pro rata portion of such allowance, that the enlisted member is entitled to receive during any day, or portion of a day, that the enlisted member is also entitled to be paid a per diem in lieu of subsistence.

Prohibitions.

SEC. 8039. None of the funds appropriated by this Act shall be available to approve a request for waiver of the costs otherwise required to be recovered under the provisions of section 21(e)(1)(C) of the Arms Export Control Act unless the Committees on Appropriations have been notified in advance of the proposed waiver.

Prohibitions.

22 USC 2761.

SEC. 8040. None of the funds appropriated by this Act shall be available for the transportation of equipment or materiel designated as Prepositioned Materiel Configured in Unit Sets (POMCUS) in Europe in excess of four division sets: *Provided*, That the foregoing

Prohibitions.
Transportation.

limitation shall not apply with respect to any item of equipment or materiel which is maintained in the inventories of the Active and Reserve Forces at levels of at least 70 per centum of the established requirements for such an item of equipment or materiel for the Active Forces and 50 per centum of the established requirement for the Reserve Forces for such an item of equipment or materiel. *Provided further*, That no additional commitments to the establishment of POMCUS sites shall be made without prior approval of Congress.

Prohibitions.

SEC. 8041. (a) None of the funds in this Act may be used to transfer any article of military equipment or data related to the manufacture of such equipment to a foreign country prior to the approval in writing of such transfer by the Secretary of the military service involved.

(b) No funds appropriated by this Act may be used for the transfer of a technical data package from any Government-owned and operated defense plant manufacturing large caliber cannons to any foreign government, nor for assisting any such government in producing any defense item currently being manufactured or developed in a United States Government-owned, Government-operated defense plant manufacturing large caliber cannons.

(TRANSFER OF FUNDS)

Prohibitions.

SEC. 8042. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 8043. Of the funds appropriated by this Act for strategic programs, the Secretary of Defense shall provide funds for the Advanced Technology Bomber program at a level at least equal to the amount provided by the committee of conference on this Act in order to maintain priority emphasis on this program.

Prohibitions.

SEC. 8044. None of the funds available to the Department of Defense during the current fiscal year shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

Prohibitions.

SEC. 8045. None of the funds available to the Department of Defense shall be available for the procurement of manual typewriters which were manufactured by facilities located within states which are Signatories to the Warsaw Pact.

Prohibitions.

SEC. 8046. None of the funds appropriated by this Act may be used to appoint or compensate more than 37 individuals in the Department of Defense in positions in the Executive Schedule (as provided in sections 5312-5316 of title 5, United States Code).

Prohibitions.

SEC. 8047. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active Guard Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 66,000.

Provided, That none of the funds appropriated by this Act shall be available to support more than 43,157 positions in support of the Army Reserve, Army National Guard or Air National Guard occupied by, or programed to be occupied by, persons in an active Guard or Reserve status: *Provided further*, That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard or Air National Guard.

SEC. 8048. (a) The provisions of section 138(c)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1986 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1986, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1987 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1987 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1987.

(TRANSFER OF FUNDS)

SEC. 8049. Appropriations or funds available to the Department of Defense during the current fiscal year may be transferred to appropriations provided in this Act for research, development, test, and evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law, to be merged with and to be available for the same purposes, and the same time period, as the appropriation to which transferred.

Research and development.

SEC. 8050. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended during fiscal year 1986 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 105 of the Intelligence Authorization Act (Public Law 99-169) for fiscal year 1986.

Prohibitions.
Nicaragua.

Ante, p. 1003.

(TRANSFER OF FUNDS)

SEC. 8051. In addition to any other transfer authority contained in this Act, amounts from working capital funds may be transferred to the Operation and Maintenance, Army, Navy, and Air Force appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided*, That such transfers shall not exceed \$168,200,000 for Operation and Maintenance, Army; \$420,300,000 for Operation and Maintenance, Navy; and \$164,000,000 for Operation and Maintenance, Air Force.

SEC. 8052. None of the funds made available by this Act shall be used in any way for the leasing to non-Federal agencies in the United States aircraft or vehicles owned or operated by the Depart-

Prohibitions.
Aircraft and air carriers.
Motor vehicles.

ment of Defense when suitable aircraft or vehicles are commercially available in the private sector: *Provided*, That nothing in this section shall affect authorized and established procedures for the sale of surplus aircraft or vehicles: *Provided further*, That nothing in this section shall prohibit the leasing of helicopters authorized by section 1463 of the Department of Defense Authorization Act of 1986.

Ante, p. 765.
Prohibitions.

SEC. 8053. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

Prohibitions.
Contracts.
Vessels.
Aircraft and air
carriers.
Motor vehicles.

SEC. 8054. No funds available to the Department of Defense during the current fiscal year may be used to enter into any contract with a term of eighteen months or more or to extend or renew any contract for a term of eighteen months or more, for any vessel, aircraft or vehicles, through a lease, charter, or similar agreement without previously having been submitted to the Committees on Appropriations of the House of Representatives and the Senate in the budgetary process. Further, any contractual agreement which imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the Government exceeding 50 per centum of the original purchase value of the vessel, aircraft, or vehicle must have specific authority in an appropriation Act for the obligation of 10 per centum of such termination liability.

Prohibitions.
Hawaii.

SEC. 8055. None of the funds appropriated in this Act may be obligated or expended in any way for the purpose of the sale, lease, rental, or exceeding of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii.

Prohibitions.

SEC. 8056. None of the funds made available by this Act shall be available to operate in excess of 247 commissaries in the contiguous United States.

Prohibitions.
Aircraft and air
carriers.

SEC. 8057. None of the funds provided in this Act shall be used to procure aircraft ejection seats manufactured in any foreign nation that does not permit United States manufacturers to compete for ejection seat procurement requirements in that foreign nation. This limitation shall apply only to ejection seats procured for installation on aircraft produced or assembled in the United States.

Prohibitions.
Employment
and
unemployment.
Prohibitions.

SEC. 8058. No more than \$166,766,000 of the funds appropriated by this Act shall be available for the payment of unemployment compensation benefits.

SEC. 8059. None of the funds appropriated by this Act should be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

Prohibitions.
Schools and
colleges.

SEC. 8060. None of the funds appropriated by this Act shall be used for the transfer of the Department of Defense Dependents Schools (DODDS) to the Department of Education.

Prohibitions.
Animals.

SEC. 8061. None of the funds appropriated by this Act shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or

other personnel in surgical or other medical treatment of wounds produced by any type of weapon: *Provided*, That the standards of such training with respect to the treatment of animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.

SEC. 8062. None of the funds made available by this Act shall be used to initiate full-scale engineering development of any major defense acquisition program until the Secretary of Defense has provided to the Committees on Appropriations of the House and Senate—

Prohibitions.

(a) a certification that the system or subsystem being developed will be procured in quantities that are not sufficient to warrant development of two or more production sources, or

(b) a plan for the development of two or more sources for the production of the system or subsystem being developed.

SEC. 8063. None of the funds appropriated by this Act shall be available to pay any member of the uniformed services for unused accrued leave pursuant to section 501 of title 37, United States Code, for more than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

Prohibitions.

98 Stat. 2537.

SEC. 8064. Within funds available under title II of this Act, but not to exceed \$100,000, and under such regulations as the Secretary of Defense may prescribe, the Department of Defense may, in addition to allowances currently available, make payments for travel and transportation expenses of the surviving spouse, children, parents, and brothers and sisters of any member of the Armed Forces of the United States, who dies as the result of an injury or disease incurred in line of duty to attend the funeral of such member in any case in which the funeral of such member is more than two hundred miles from the residence of the surviving spouse, children, parents or brothers and sisters, if such spouse, children, parents or brothers and sisters, as the case may be, are financially unable to pay their own travel and transportation expenses to attend the funeral of such member.

SEC. 8065. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

Prohibitions.

Vessels.
Petroleum and
petroleum
products.

Civil Air Patrol.

SEC. 8066. Of the funds made available to the Department of the Air Force in this Act, not less than \$3,000,000 shall be available for the Civil Air Patrol.

SEC. 8067. Funds available to the Department of Defense may be used by the Department of Defense for the use of helicopters and motorized equipment at Defense installations for removal of feral burros and horses.

Animals.

SEC. 8068. So far as may be practicable, Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of Defense: *Provided*, That the products must meet pre-set contract specifications.

Indians.

(TRANSFER OF FUNDS)

SEC. 8069. Not to exceed \$100,000,000 may be transferred from the appropriation "Operation and Maintenance, Defense Agencies" to operation and maintenance appropriations under the military departments in connection with demonstration projects authorized

Prohibitions.

98 Stat. 2870.

by section 1092 of title 10, United States Code: *Provided*, That the Secretary of Defense shall promptly notify the Congress of any such transfer of funds under this provision: *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act.

Prohibitions.
Germany.

SEC. 8070. None of the funds available for Defense installations in Europe shall be used for the consolidation or conversion of heating facilities to district heating distribution systems in Europe: *Provided*, That those facilities identified by the Department of the Army as of April 11, 1985, as being in advanced stages of negotiations shall be exempt from such provision: *Provided further*, That nothing in this section shall prohibit the conversion or consolidation of heating facilities to district heating distribution systems at Bad Kissingen, Hessen, in the Federal Republic of Germany.

Prohibitions.

SEC. 8071. None of the funds appropriated by this Act shall be available to compensate foreign selling costs as described in Federal Acquisition Regulation 31.205-38(b) as in effect on April 1, 1984.

Trust Territory
of the Pacific
Islands.

SEC. 8072. Of the funds appropriated for the operation and maintenance of the Armed Forces, obligations may be incurred for humanitarian and civic assistance costs incidental to authorized operations, and these obligations shall be reported to Congress on September 30, 1986: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance in the Trust Territories of the Pacific Islands by using Civic Action Teams.

SEC. 8073. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

Prohibitions.
Kentucky.

SEC. 8074. None of the funds available to the Department of Defense may be used to transport any chemical munitions into the Lexington-Blue Grass Army Depot for purposes of future demilitarization.

Prohibitions.

SEC. 8075. None of the funds appropriated by this Act may be obligated or expended for the purposes delineated in section 1002(e)(2) of the Department of Defense Authorization Act, 1985, without the prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

98 Stat. 2574.
22 USC 1928
note.

Contracts.

SEC. 8076. It is the sense of the Congress that the Secretary of Defense should formulate and carry out a program under which contracts awarded by the Department of Defense in fiscal year 1986 would, to the maximum extent practicable and consistent with existing law, be awarded to contractors who agree to carry out such contracts in labor surplus areas (as defined and identified by the Department of Labor).

SEC. 8077. It is the sense of the Congress that competition, which is necessary to enhance innovation, effectiveness, and efficiency, and which has served our Nation so well in other spheres of political and economic endeavor, should be expanded and increased in the provision of our national defense.

Contracts.
State and local
governments.
Defense and
national
security.

SEC. 8078. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1986 for construction or services to be performed in whole or in part in a State which is not contiguous with another State and has an un-

employment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8079. None of the funds appropriated by this Act shall be available to pay a dislocation allowance pursuant to section 407 of title 37, United States Code, in excess of one month's basic allowance for quarters.

Prohibitions.

Ante, p. 639.

SEC. 8080. None of the funds available to the Department of Defense shall be obligated or expended to contract out any activity currently performed by the Defense Personnel Support Center in Philadelphia, Pennsylvania: *Provided*, That this provision shall not apply after notification to the Committees on Appropriations of the House of Representatives and the Senate of the results of the cost analysis of contracting out any such activity.

Prohibitions.
Pennsylvania.

SEC. 8081. None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act, receives an enlistment bonus under section 308a or 308f of title 37, United States Code; nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Administrator of Veterans' Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Administrator pay such benefits to any such member.

Prohibitions.

98 Stat. 2568.

98 Stat. 2557.

98 Stat. 2540.

SEC. 8082. Notwithstanding any other provision of this Act, no funds appropriated by this Act shall be expended for the research, development, test, evaluation or procurement for integration of a nuclear warhead into the Joint Tactical Missile System (JTACMS).

Prohibitions.
Research and
development.

SEC. 8083. Under regulations prescribed by the Secretary of Defense, the Department of the Air Force and the Defense Logistics Agency may test a flat rate per diem system for military and civilian travel allowances: *Provided*, That per diem allowances paid under a flat rate per diem system shall be in an amount determined by the Secretary of Defense to be sufficient to meet normal and necessary expenses in the area in which travel is performed, but in no event will the travel allowances exceed \$75 for each day in travel status within the continental United States: *Provided further*, That the test approved under this section shall expire upon the effective date of permanent legislation establishing a flat rate per diem system for both military and civilian personnel.

Regulations.

Expiration.

SEC. 8084. Notwithstanding any other provision of law, during fiscal year 1986, the Department of Defense is to conduct a pilot test project of providing home health care to dependents entitled to health care under section 1076 of title 10, United States Code: *Provided*, That such care is medically necessary or appropriate, more cost effective than to continue paying for otherwise authorized CHAMPUS benefits in medical facilities, and the beneficiary is not covered for such care under any other public or private health insurance plan.

Health and
medical care.

98 Stat. 2869.

- SEC. 8085. Not more than \$2,744,293,000 of the funds appropriated by this Act may be obligated for permanent change of station travel (including all expenses of such travel for organizational movements): *Provided*, That assignments for temporary duty may not be increased in order to circumvent this limitation: *Provided further*, That this limitation may be exceeded only upon a determination and notification to the Congress by the Secretary of Defense that such action is necessary to meet national security requirements.
- Education. SEC. 8086. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education: *Provided*, That notwithstanding any other provision of law, those individuals who received assistance under the Army National Guard Assistance for Military Professional Development program and who forfeited money as a result of its cancellation on July 22, 1985, and who could not continue in this program, shall be reimbursed for the moneys they forfeited: *Provided further*, That no interest shall be paid on the amounts reimbursed.
- Prohibitions.
Contracts. SEC. 8087. None of the funds appropriated in this Act shall be used for professional surveying and mapping services performed by contract for the Defense Mapping Agency unless those contracts are procured in accordance with the selection procedures outlined pursuant to section 2855 of title 10, United States Code.
- 98 Stat. 1521.
37 USC 403 note. SEC. 8088. During the current fiscal year, effective January 1, 1985, the rate of the basic allowance for quarters authorized by section 403(a) of title 37, United States Code, which is payable to a member of the uniformed services who was entitled to that allowance on December 31, 1984, shall not be less than the rate of the basic allowance for quarters that was in effect for that member on December 31, 1984 (unless the member holds a lower grade than he held on that date or has had a change in dependent status from a "with dependents" status to a "without dependents" status).
- Ante*, pp. 638,
740. SEC. 8089. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate.
- Prohibitions.

(TRANSFER OF FUNDS)

SEC. 8090. Upon a determination by the Secretary of Defense that such action will result in a more economical acquisition of automatic data processing equipment, funds provided in this Act under one appropriation account for the lease or purchase of such equipment may be transferred through the Automatic Data Processing Equipment Management Fund to another appropriation account in this Act for the lease or purchase of automatic data processing equipment to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to

which transferred: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall report transfers made under this section to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the authority to transfer funds under this section shall be in addition to any other transfer authority contained in this Act.

Report.

SEC. 8091. Appropriations available to the Department of Defense during the current fiscal year shall be available, under such regulations as the Secretary of Defense may deem appropriate, to exchange or furnish mapping, charting, and geodetic data, supplies or services to a foreign country pursuant to an agreement for the production or exchange of mapping, charting, and geodetic data.

SEC. 8092. The lands described in Bureau of Land Management casefile AA-57372 shall be conveyed to the Municipality of Anchorage pursuant to the public interest land provisions of the North Anchorage Land Agreement if such lands are declared excess to the needs of the Army in Alaska.

Alaska.

SEC. 8093. Section 1411 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is amended to read as follows:

Ante, p. 745.

“SEC. 1411. CONDITIONS ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

“(a) LIMITATION ON FISCAL YEAR 1986 FUNDS.—Funds appropriated pursuant to authorizations of appropriations in title I may not be used—

“(1) for procurement or assembly of binary chemical munitions (or components of such munitions); or

“(2) for establishment of production facilities necessary for procurement or assembly of binary chemical munitions (or components of such munitions), except in accordance with subsections (b), (c), (d), and (e).

“(b) NATO CONSULTATION.—Subject to subsections (c), (d), and (e), funds referred to in subsection (a) may be used for procurement or assembly of binary chemical munitions or for the establishment of production facilities necessary for the procurement or assembly of binary chemical munitions (or components of such munitions) if the President certifies to Congress that the United States—

“(1) has submitted to the North Atlantic Treaty Organization, a force goal stating the requirement for modernization of the United States proportional share of the NATO chemical deterrent with binary munitions and said force goal has been formally adopted by the North Atlantic Council;

“(2) has developed in coordination with the Supreme Allied Commander, Europe, a plan under which United States binary chemical munitions can be deployed under appropriate contingency plans to deter chemical weapons attacks against the United States and its allies; and

“(3) has consulted with other member nations of the North Atlantic Treaty Organization (NATO) on that plan.

“(c) CONDITIONS FOR FINAL ASSEMBLY.—Funds referred to in subsection (a) may not be used for the final assembly of complete binary chemical munitions before October 1, 1987, and, subject to subsections (d) and (e), may only be used for such purpose on or after that date if—

“(1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by that date;

President of U.S.

Defense and
national
security.

Ante, p. 747.

"(2) the President, after that date, transmits to Congress a certification that—

"(A) final assembly of such complete munitions is necessitated by national security interests of the United States and the interests of other NATO member nations;

"(B) handling and storage safety specifications established by the Department of Defense with respect to such munitions will be met or exceeded;

"(C) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions; and

"(D) the plan of the Secretary of Defense for destruction of existing United States chemical warfare stocks developed pursuant to section 1412 (which shall, if not sooner transmitted to Congress, accompany such certification) is ready to be implemented;

"(3) final assembly is carried out only after the end of the 60-day period beginning on the date such certification is received by the Congress;

"(4) the plan of the Secretary of Defense for land-based storage of such munitions within the United States during peacetime provides that the two components that constitute a binary chemical munition are to be stored in separate States; and

"(5) the plan of the Secretary of Defense for the transportation of such munitions within the United States during peacetime provides that the two components that constitute a binary munition are transported separately.

"(d) **RESTRICTIONS ON PRODUCTION OF THE BIGEYE BOMB.**—Except as provided below, none of the funds appropriated pursuant to authorizations of appropriations in title I may be used for procurement or assembly of the BIGEYE binary chemical bomb or for procurement of components for the BIGEYE bomb until 60 days after the Secretary of Defense has submitted a report describing—

"(1) the specific operational requirements which must be achieved by the BIGEYE system; and

"(2) the actual performance of the system during operational testing with respect to each of the operational test criteria; and

"(3) any exceptions to the operational criteria deemed acceptable by the Department of Defense.

Subject to subsection (b) nothing in this subsection will prohibit the procurement of BIGEYE production facilities and associated equipment.

"(e) **RESTRICTION ON PRODUCTION OF THE GB-2 ARTILLERY PROJECTILE.**—None of the funds appropriated pursuant to authorizations in title I for procurement or assembly of the GB-2 artillery projectile may be obligated or expended before October 1, 1986.

"(f) **SENSE OF CONGRESS.**—It is the sense of Congress that existing unitary chemical munitions currently stored in the United States and in European member nations of NATO should be replaced by modern, safer binary chemical munitions.

President of U.S.

"(g) **REPORT.**—Not later than October 1, 1986, the President shall submit to Congress a report describing the results of consultations among NATO member nations concerning the organization's chemical deterrent posture. The report shall include descriptions of any consultations concerning—

"(1) efforts to provide key civilian workers at military support facilities in Europe—

“(A) with personal and collective equipment to protect against the use of chemical munitions; and

“(B) with the training required for the use of such equipment;

“(2) efforts to upgrade the chemical reconnaissance, decontamination, and protective capabilities of the military forces of each NATO member nation to a level adequate to meet the chemical threat identified in NATO intelligence estimates;

“(3) efforts to initiate a NATO-wide study of measures required to protect ports, airfields, logistics centers, and command and control facilities in European member nations of NATO against chemical attack; and

“(4) efforts to initiate a NATO-wide study of equitable and efficient sharing among NATO member nations of responsibilities with regard to deterring the use of chemical munitions in Europe.”.

SEC. 8094. None of the funds appropriated in this Act may be obligated or expended for procurement of C-12 aircraft unless such aircraft are procured through competitive procedures (as defined in section 2302(2) of title 10, United States Code), which shall be restricted to turboprop aircraft.

SEC. 8095. None of the funds in this Act may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: *Provided*, That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).

SEC. 8096. Appropriations made available to the Department of Defense by this Act may be used at sites formerly used by the Department of Defense for removal of unsafe buildings or debris of the Department of Defense: *Provided*, That such removal must be completed before the property is released from Federal Government control, other than property conveyed to State or local government entities or native corporations.

SEC. 8097. None of the funds appropriated by this Act or any other Act may be obligated or expended to carry out a test of the Space Defense System (anti-satellite weapon) against an object in space until the President certifies to Congress that the Soviet Union has conducted, after October 3, 1985, a test against an object in space of a dedicated anti-satellite weapon.

SEC. 8098. Of the funds made available by this Act to the Department of the Army, \$7,200,000 shall be transferred to the Bureau of Land Management for the relocation of the district office at Fort Wainwright, Alaska.

SEC. 8099. None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures alcoholic beverages with nonappropriated funds for resale (including alcoholic beverages sold by the drink) on a military installation located in the United States, unless such alcoholic beverages are procured in the State, or in the case of the District of Columbia, within the District of Columbia, in which the installation is located: *Provided*, That in a case in which a military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That not later than one year after the date of enactment of this Act, the Secretary shall transmit a report to the Congress concerning the implementation of this section.

Prohibitions.
Aircraft and air
carriers.

98 Stat. 3087.

Prohibitions.
Ammunition.

Prohibitions.
10 USC 139 note.

Alaska.

Prohibitions.
Alcohol and
alcoholic
beverages.
10 USC 138 note.

Report.

(TRANSFER OF FUNDS)

Report.

SEC. 8100. The Secretary of Defense may transfer, not to exceed \$468,000,000 from the Foreign Currency Fluctuation, Defense account to appropriations provided in title II of this Act: *Provided*, That the Secretary of Defense shall report to the Committees on Appropriations of the House of Representatives and Senate of transfers made under this authority: *Provided further*, That funds so transferred shall be made available for the same time period and purpose as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8101. Within the funds made available under title II of this Act, the military departments may use such funds as necessary, but not to exceed \$4,700,000, to carry out the provisions of section 430 of title 37, United States Code.

10 USC 7572
note.
98 Stat. 2537.
Ante, p. 638.

SEC. 8102. The amendments made to section 7572(b)(3) of title 10, United States Code, and to section 3 of Public Law 96-357 (10 U.S.C. 7572 note) by section 606 of the Department of Defense Authorization Act, 1986, shall apply to reimbursement of expenses incurred on or after October 1, 1985, by a member of a uniformed service on sea duty.

SEC. 8103. (a) In addition to other funds made available by this Act, \$6,306,906,000 shall be available for obligation and expenditure from prior year unobligated balances from the following accounts in the amounts specified:

	Prior Year Transfer
Aircraft Procurement, Army—1985/87.....	\$117,900,000
Missile Procurement, Army—1984/86.....	10,100,000
Missile Procurement, Army—1985/87.....	56,400,000
Procurement of Weapons and Tracked Combat Vehicles, Army— 1984/86.....	336,500,000
Procurement of Weapons and Tracked Combat Vehicles, Army— 1985/87.....	253,800,000
Procurement of Ammunition, Army—1984/86.....	30,400,000
Procurement of Ammunition, Army—1985/87.....	147,700,000
Other Procurement, Army—1984/86.....	81,000,000
Other Procurement, Army—1985/87.....	176,500,000
Aircraft Procurement, Navy—1984/86.....	60,800,000
Aircraft Procurement, Navy—1985/87.....	490,500,000
Weapons Procurement, Navy—1985/87.....	15,000,000
Shipbuilding and Conversion, Navy—1982/86.....	391,600,000
Shipbuilding and Conversion, Navy—1983/87.....	691,300,000
Shipbuilding and Conversion, Navy—1984/88.....	398,600,000
Shipbuilding and Conversion, Navy—1985/89.....	517,800,000
Other Procurement, Navy—1984/86.....	75,790,000
Other Procurement, Navy—1985/87.....	200,693,000
Procurement, Marine Corps—1985/87.....	47,717,000
Aircraft Procurement, Air Force—1984/86.....	246,400,000
Aircraft Procurement, Air Force—1985/87.....	864,000,000
Missile Procurement, Air Force—1984/86.....	29,400,000
Missile Procurement, Air Force—1985/87.....	53,400,000
Other Procurement, Air Force—1984/86.....	94,127,000
Other Procurement, Air Force—1985/87.....	253,349,000
Procurement, Defense Agencies—1984/86.....	15,000,000

	Prior Year Transfer
Procurement, Defense Agencies—1985/87.....	21,000,000
Research, Development, Test and Evaluation, Army—1985/86.....	96,130,000
Research, Development, Test and Evaluation, Navy—1985/86.....	188,000,000
Research, Development, Test and Evaluation, Air Force—1985/86.....	264,000,000
Research, Development, Test and Evaluation, Defense Agencies— 1985/86.....	82,000,000
TOTAL.....	\$6,306,906,000

(b) The foregoing unobligated balances in subsection (a) shall remain available for obligation only for the time period provided when originally appropriated, and may be transferred by the Secretary of Defense to appropriations in titles I, II, III, IV, VI and VII as may be required for only the military pay raise of October 1, 1985, payments to the military retirement trust fund including those requirements that may be established by subsequent acts of Congress, the Mariner Fund and the Coastal Defense Augmentation account, and for increased readiness of conventional forces in programs funded in the operation and maintenance accounts, including but not limited to flying hours, steaming hours, and training: *Provided*, That no funds may be transferred or obligated until 15 days after the Secretary of Defense notifies the Committees on Appropriations of the House and Senate of such transfers and obligations: *Provided further*, That \$852,100,000 shall be available only for the Mariner Fund and may not be obligated or expended for any purpose until enactment of legislation establishing a Mariner Fund program for construction and lease of militarily useful vessels and until 60 days after notification to the Committees on Appropriations of the House and Senate of the intent to obligate from such Fund: *Provided further*, That notwithstanding any other provision of this section, after May 1, 1986, obligations from the Military Personnel accounts contained in this Act shall not exceed a rate in excess of the rate required to limit total obligations to the obligation ceilings established by law for such accounts for fiscal year 1986: *Provided further*, That in addition to funds appropriated elsewhere in this Act, \$140,000,000 of the foregoing unobligated balances shall be for the Coastal Defense Augmentation account: *Provided further*, That none of the foregoing unobligated balances may be transferred, reprogramed, or otherwise applied to offset the impact of sequester orders required under the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the transfer authority contained in this section shall be in addition to any other transfer authority contained in this Act.

Prohibitions.

Ante, p. 1038.

SEC. 8104. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

Prohibitions.
Vessels.
Contracts.

SEC. 8105. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be used for the installation, maintenance, and operation of a 22¾ x 36-inch perfecting web offset press with in-line folder procured by or for the Department of the Air Force under solicitation number F01600-85-B0021.

Prohibitions.

SEC. 8106. None of the funds made available by this Act may be used to alter the command structure for military forces in Alaska.

Prohibitions.
Alaska.

Prohibitions.
Vessels.

SEC. 8107. None of the funds appropriated in this Act may be obligated or expended to carry out a program to paint any naval vessel with paint known as organotin or with any other paint containing the chemical compound tributyltin until such time as the Environmental Protection Agency certifies to the Department of Defense that whatever toxicity as generated by organotin paints included in Navy specifications does not pose an unacceptable hazard to the marine environment.

Prohibitions.
Contracts.

SEC. 8108. No funds appropriated under this Act for the Strategic Defense Initiative Program shall be earmarked by any agency of the United States Government or any contractor exclusively for contracts with non-United States contractors, subcontractors, or vendors, or exclusively for consortia containing non-United States contractors, subcontractors, or vendors, prior to source selection in order to meet a specific quota or allocation of funds to any alliance or nation. Furthermore, it is the sense of the Congress that, whenever possible, the Secretary of Defense and others should attempt to award Strategic Defense Initiative contracts to United States contractors, subcontractors, and vendors unless such awards would degrade the likely results obtained from such contracts: *Provided*, That allied nations should be encouraged to participate in the Strategic Defense Initiative research effort on a competitive basis and be awarded contracts on the basis of technical merit.

Prohibitions.

SEC. 8109. None of the funds appropriated pursuant to this Act or for the use of the Department of Defense may be obligated or expended for any purpose unless such funds have been authorized to be appropriated for such purpose by law other than this Act: *Provided*, That the preceding sentence does not apply to funds appropriated in this Act for Coastal Defense Augmentation: \$375,000,000.

SEC. 8110. Of the funds available in the Army Industrial Fund, \$25,000,000 shall be available to be used to implement immediately or to transfer to another appropriation account in this Act to be used to implement immediately, the program proposed by the Department in its letter of August 30, 1985, from the Assistant Secretary of Defense for Acquisition and Logistics, to rehabilitate and convert current steam generating plants at defense facilities in the United States to coal burning facilities in order to achieve a coal consumption target of 1,600,000 short tons of coal per year above current consumption levels at Department of Defense facilities in the United States by fiscal year 1994: *Provided*, That anthracite bituminous coal shall be the source of energy at such installation: *Provided further*, That during the implementation of this program the amount of anthracite coal purchased by the Department shall remain at least at the current annual purchase level, 302,000 short tons.

Space shuttle.
Defense and
national
security.
42 USC 2464a.

SEC. 8111. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration will jointly determine which payloads will be launched on Titan II launch vehicles and certify by notice to the Congress that such launches are cost effective as compared to launches by the space shuttle and do not diminish the efficient and effective utilization of the space shuttle capability: *Provided*, That this section may be waived only upon certification by the Secretary of Defense that certain classified payloads must be launched on the Titan II launch vehicle as opposed to the space shuttle, for national security reasons.

SEC. 8112. (a) REVISIONS TO DEFENSE CONTRACT ALLOWABLE COST PROVISION.—Section 2324 of title 10, United States Code, is amended as follows: *Ante, p. 682.*

(1) Subsection (e)(2) is amended—

(A) by inserting “(A)” after “(2)”; and

(B) by adding at the end thereof the following new subparagraph:

“(B) The Secretary shall submit to the committees named in subparagraph (C) any proposed regulations that would make substantive changes to regulations prescribed under the second sentence of subparagraph (A) before the publication of such proposed regulations in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). *Regulations.*

“(C) The committees named in this subparagraph are—

“(i) the Committees on Armed Services and on Government Operations of the House of Representatives; and

“(ii) the Committees on Armed Services and on Governmental Affairs of the Senate.”

(2) Subsection (h)(2) is amended by inserting “, in an exceptional case,” after “concerned may”.

(3) Such section is further amended by redesignating subsection (j) as subsection (k) and inserting after subsection (i) the following new subsection (j):

“(j)(1) The Comptroller General shall periodically evaluate the implementation of this section by the Secretary of Defense. Such evaluation shall consider the extent to which—

“(A) such implementation is consistent with congressional intent;

“(B) such implementation achieves the objective of eliminating unallowable costs charged to defense contracts; and

“(C) such implementation (as well as the provisions of this section and the regulations prescribed under this section) could be improved or strengthened.

“(2) The Comptroller General shall submit to the committees named in subsection (e)(2)(C) a report on such evaluation within 90 days of publication by the Secretary of Defense in the Federal Register of regulations that make substantive changes in regulations prescribed under subsection (e) or (f) or in any other regulations of the Department of Defense pertaining to allowable costs under covered contracts.” *Report. Federal Register, publication. Regulations.*

(b) CONGRESSIONAL COMMITTEE REVIEW OF PROPOSED INITIAL REGULATIONS.—(1) The regulations required under section 911(b) of the Department of Defense Authorization Act, 1986 (Public Law 99-145), to be prescribed not later than 150 days after the date of the enactment of such Act shall be submitted to the committees named in paragraph (2) before the publication of such regulations in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). *10 USC 2324 note. Ante, p. 682.*

(2) The committees named in this paragraph are—

(A) the Committees on Armed Services and on Government Operations of the House of Representatives; and

(B) the Committees on Armed Services and on Government Affairs of the Senate. *98 Stat. 3076.*

(c) INITIAL COMPTROLLER GENERAL EVALUATION AND REPORT.—The Comptroller General shall submit to the committees named in subsection (b)(2) a report on the Comptroller General's initial evaluation under subsection (j)(1) of section 2324 of title 10, United *10 USC 2324 note.*

Ante, p. 682.

States Code, as added by subsection (a). Such report shall be submitted within 180 days of the publication by the Secretary of Defense under section 911(b) of the Department of Defense Authorization Act, 1986 (Public Law 99-145), of the regulations referred to in such section.

This Act may be cited as the "Department of Defense Appropriations Act, 1986".

(c) Such amounts as may be necessary for programs, projects, activities provided for in the District of Columbia Appropriations Act, 1986 (H.R. 3067), to the extent and in the manner provided in the conference report and joint explanatory statement of committee of conference (House Report 99-419), as filed in House of Representatives on December 5, 1985, as if enacted in law: *Provided*, That the appropriation for a Federal contribution to the District of Columbia for the "Criminal Justice Initiative" under amendment number 2 shall be "\$13,860,000" instead of "\$14,010,000".

Infra.

"(d) Such amounts as may be necessary for programs, projects, activities provided for in the Department of the Interior and Related Agencies Appropriations Act, 1986, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if had been enacted into law as the regular appropriations Act."

An Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1986, and for other purposes.

Department of
the Interior and
Related
Agencies
Appropriations
Act, 1986.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under jurisdiction of the Bureau of Land Management, including general administration of the Bureau of Land Management, \$398,566,000.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$1,403,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), \$105,000,000, of which not to exceed \$400,000 shall be available for administrative expenses.

LAND ACQUISITION

43 USC 1715,
1716, 1748.

For expenses necessary to carry out the provisions of sections 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest thereon, \$2,300,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; \$56,114,000, to remain available until expended: *Provided*, That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

43 USC 1181f.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), but not less than \$10,000,000 (43 U.S.C. 1901), and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses: *Provided further*, That the dollar equivalent of value, in excess of the grazing fee established under law and paid to the United States Government, received by any permittee or lessee as compensation for an assignment of a grazing permit or lease, or any grazing privileges or rights thereunder, and in excess of the installation and maintenance cost of grazing improvements provided for by the permittee in the allotment management plan or amendments or otherwise approved by the Bureau of Land Management, shall be paid to the Bureau of Land Management and disposed of as provided for by section 401(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701): *Provided further*, That if the dollar value prescribed above is not paid to the Bureau of Land Management, the grazing permit or lease shall be canceled.

43 USC 1751.

43 USC 315b,
315m.

43 USC 1751.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C.

43 USC 1719,
1734, 1735, 1764.
30 USC 185.
43 USC 1652.

1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended.

MISCELLANEOUS TRUST FUNDS

98 Stat. 2718.
43 USC 1737.
43 USC 1721.

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

43 USC 1181f.

43 USC 1181f-4.

43 USC 1752
note.

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$10,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on a certificate, not to exceed \$10,000: *Provided*, That appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended for surveys of Federal lands of the United States and on a reimbursable basis for surveys of Federal lands of the United States and for protection of lands for the State of Alaska: *Provided further*, That an appeal from any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal which shall be completed within two years after the appeal is filed: *Provided further*, That appropriations herein made shall be available for paying costs incidental to the utilization of services contracted by individuals who serve without compensation as volunteers in aid of work of the Bureau.

98 Stat. 2213.
16 USC 618 note.

Notwithstanding any other provision of this Act, in the event of sale, award, or operation of any timber sale or sales in the Medford (Oregon) District of the Bureau of Land Management is enjoined, stayed or otherwise delayed by reason of administrative appeal or judicial review, the Secretary of the Interior shall resell timber returned under provisions of the Federal Timber Contract Payment Modification Act to the extent necessary to achieve sale of the full annual allowable cut for fiscal years 1985 and 1986 in the Medford

District. The Secretary shall determine the potential environmental degradation of timber sales returned pursuant to the Federal Timber Contract Payment Modification Act and shall characterize each sale's potential environmental impact as minimal, moderate, or serious. The Secretary must give resale priority to those sales with the least risk of potential environmental degradation. Sales that are reoffered may be modified, including minor additions. Any decision of the Secretary to resell such timber shall not be subject to judicial review.

98 Stat. 2213.
16 USC 618 note.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$3,300,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408; \$301,222,000, of which \$4,420,000 to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which \$5,665,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, which will remain available until expended.

16 USC 1701
note.

90 Stat. 2917.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; \$21,296,000, to remain available until expended, of which \$2,000,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5), \$15,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service,

16 USC 460l-4
note.

\$40,670,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1916 (16 U.S.C. 715s), \$5,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 1 passenger motor vehicles of which 178 are for replacement only (including 67 for police-type use); purchase of 4 new aircraft for replacement only; acceptance of one donated aircraft as an addition not to exceed \$300,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violation of laws administered by the United States Fish and Wildlife Service; and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with the primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$410,000 for the Roosevelt Campobello International Park Commission, \$490,000 for the Volunteers-in-the-Park program, not less than \$3,300,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408, and \$175,000 for the National Capital Children's Museum and \$175,000 for the Arena Stage as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)), \$627,763,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451): *Provided*, That the Park Service shall not enter into future concessionary contracts, including renewals, that do not include a termination cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That hereafter appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such roads or rights-of-way is in the United States: *Provided further*, That \$85,000

16 USC 1701
note.

16 USC 461 note.

16 USC 20b note.

shall be available to assist the town of Harpers Ferry, West Virginia, for police force use: *Provided further*, That the educational center to be located at the Boott Mill Complex, Building No. 6, in the Lowell National Historical Park, Massachusetts, is hereby designated and shall be known as the "Paul E. Tsongas Industrial History Center": *Provided further*, That \$150,000 shall be available solely for the restoration and renovation of the Lonoke Depot in Lonoke, Arkansas.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, \$11,096,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), \$24,945,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1987.

16 USC 470h.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), \$114,121,000, to remain available until expended, of which \$8,500,000 shall be derived by transfer from the National Park System Visitor Facilities Fund; including \$3,168,000 to carry out the provisions of sections 303 and 304 of Public Law 95-290; including, subject to authorization, \$8,100,000 to be expended for engineering and construction of the Burr Trail National Rural Scenic Road in and adjacent to the Capitol Reef National Park and the Glen Canyon National Recreation Area and an interpretive center near the town of Boulder, Utah, such funds to be transferred to the State of Utah for accomplishment of these activities in accordance with the provisions of a cooperative agreement to be developed among the National Park Service, the Bureau of Land Management, Garfield County, and the State of Utah: *Provided*, That appropriations for maintenance and improvement of roads within Capitol Reef National Park and Glen Canyon National Recreation Area and construction and maintenance of an interpretive center shall hereafter be available for such purposes without regard to whether title to such road rights-of-way or lands for the interpretive center is in the United States: *Provided further*, That in the event the National Park Service fails to maintain the road as provided under the terms of said cooperative agreement, any rights-of-way which may be transferred to the National Park Service will revert to Garfield County: *Provided further*, That in the event of reversion of the road to Garfield County, the County shall provide payment to the United States of an amount based upon the depreciated value of the capital investment resulting from Federal funds expended on the road for construction purposes; and including \$2,000,000 to assist local communities to protect Mammoth Cave National Park from groundwater pollution: *Provided further*, That the National Park Service share of the Mammoth Cave protection

16 USC 410cc-33,
410cc-34.

87 Stat. 278.

92 Stat. 2690.

project shall not exceed 25 per centum: *Provided further*, That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, \$10,300,000, to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended: *Provided further*, That funds made available pursuant to this Act for the Cumberland Gap Tunnel shall only be available when the States of Kentucky and Tennessee have entered into an agreement with the National Park Service to operate and maintain all portions of U.S. Route 25E, including the Tunnel, within the boundaries of the Cumberland Gap National Historic Park.

LAND ACQUISITION AND STATE ASSISTANCE

16 USC 4601-4
note.

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$98,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$50,000,000 is for the State Assistance program including \$1,650,000 to administer the program: *Provided*, That State administrative expenses associated with the State grant portion of the State Assistance program shall not exceed 15 percent: *Provided further*, That none of the State Assistance funds may be used as a contingency fund: *Provided further*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, \$852,000 shall be available in 1986 for administrative expenses of the State grant program.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, \$4,800,000.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For the operation of the Illinois and Michigan Canal National Heritage Corridor Commission, \$250,000.

JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION

For the operation of the Jefferson National Expansion Memorial Commission, \$75,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 1 aircraft and 286 passenger motor vehicles, of which 242 shall be for replacement only, including not to exceed 174 for police-type use and 6 buses; to provide, notwithstanding any other provision of law, at a cost not exceeding \$100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service;

options for the purchase of land at not to exceed \$1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That the loan ceiling established under section 4(b) of Public Law 97-310, the Wolf Trap Farm Park Act, as amended, is increased to \$9,500,000. Notwithstanding the loan repayment provisions of Public Law 97-310, the dollar amount of items paid for by the Wolf Trap Foundation from funds provided by the additional loan authority in this section that is subsequently reimbursed to the Foundation by a court award or insurance settlement shall be repaid to the Secretary of the Interior by the Wolf Trap Foundation within 90 days of the date of the court award or insurance settlement.

16 USC 284c
note.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$431,961,000: *Provided*, That \$52,324,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That in fiscal year 1986 and thereafter, all amortization fees resulting from the Geological Survey providing telecommunications services shall be deposited in a special fund to be established on the books of the Treasury and be immediately available for payment of replacement or expansion of telecommunications services, to remain available until expended: *Provided further*, That the Geological Survey is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

43 USC 50.

43 USC 50a.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 16 passenger motor vehicles for replacement only; reimbursement to the General Service Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Geological Survey, and that within appropriations herein provided Geological Survey officials may authorize either direct procurement of or reimbursement for expenses incidental to the effective use of volunteers such as, but not limited to, training, transportation, lodging, subsistence, equipment, and supplies: *Provided further*, That provision for such expenses or services is in accord with volunteer or cooperative agreements made with such individual private organizations, educational institutions, or State or local governments.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements including the purchase of not to exceed 8 passenger motor vehicles for replacement only; \$168,018,000, of which not less than \$45,260,000 shall be available for royalty management activities including general administration: *Provided*, That notwithstanding any other provision of law, when in fiscal year 1986 and thereafter any permittee provides data and information to the Secretary pursuant to section 1352(a)(1)(C)(iii) of title 43, United States Code, the Secretary shall pay only the reasonable cost of reproducing such data and information: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d).

43 USC 1352
note.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste

in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, \$134,255,000, of which \$79,537,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, \$85,153,000, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed \$400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; and notwithstanding 31 U.S.C. 3302, an amount equal to receipts to the General Fund of the Treasury from performance bond forfeitures, estimated at \$500,000 in fiscal year 1986, to remain available until expended: *Provided*, That no funds shall be used to finalize or implement any proposed rule, or take any other action which would result in the adoption by the Office of Surface Mining Reclamation and Enforcement of a rule or regulation pursuant to section 507(a) of Public Law 95-87 which would require applicants to reimburse the Department of the Interior for costs incurred in the collection of application fees for permits to conduct surface coal mining and reclamation operations; for permits to conduct coal exploration; for processing mining plans; or for the review of surface coal mining and reclamation permits.

30 USC 1201
note.

98 Stat. 1152.

30 USC 1257.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, to remain available until expended, \$207,385,000, to be derived from receipts of the Abandoned Mine Reclamation Fund: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further*, That none of these funds shall be

30 USC 1231.

5 USC 5514 note.

30 USC 1236.

30 USC 1231.
30 USC 1271.

30 USC 1232.

30 USC 1233.

used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), including failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders or uncontested past due Abandoned Mine Land fees: *Provided further*, That the Secretary of the Interior may deny fifty percent of an Abandoned Mine Reclamation fund grant, available to a State pursuant to title IV of Public Law 95-87, when pursuant to the procedures set forth in section 521 of the Act, the Secretary determines that a State is systematically failing to adequately administer the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and the Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: *Provided further*, That expenditure of moneys as authorized in section 402(g)(3) shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts cooperative agreements and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs including such expenses in field offices, \$891,312,000, of which not to exceed \$54,556,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1987, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1987: *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs: *Pro*

vided further, That not to exceed \$18,042,000 shall be obligated for automatic data processing in fiscal year 1986; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 96-351 (25 U.S.C. 640d-18(a)), \$2,886,000, to remain available until expended; and an additional \$6,000,000 which, notwithstanding any other law, is immediately available for obligation before January 18, 1986, by the Secretary of the Interior through the Bureau of Indian Affairs only for the emergency provision of hay to Indians using the distribution formula of the Indian Acute Distress Donation Program to aid in maintaining foundation cattle herds in Montana, North Dakota, and South Dakota. The Secretary may, but is not required to, enter into contracts under section 102 of the Indian Self-Determination Act (88 Stat. 2206; 25 U.S.C. 450f) in connection with the appropriation made in this paragraph and no indirect cost or overhead shall be allowed under any such contract from any appropriation. All costs incurred directly or indirectly by the Secretary in connection with the appropriation made in this paragraph for other than the direct cost of the hay and its transportation shall be met from other amounts appropriated for the operation of Indian programs. Any part of the appropriation made in this paragraph which is not expended by March 15, 1986, shall be deobligated and shall not be available for obligation or expenditure.

The Secretary of the Interior shall make a report or reports to Congress by September 1, 1986 on (1) the use of the appropriation in the preceding paragraph, (2) the impact of the drought disaster on the Indian reservations in Montana, North Dakota, and South Dakota, (3) long-term strategies to address the disaster on each of those reservations, and (4) the effectiveness of the carrying out of the roles (including resource management and the establishment, waiver, and collection of grazing fees and rents or other payments) of the Federal and tribal governments in ranching, agriculture, and other land use on Indian reservations throughout the United States with recommendations to improve that effectiveness.

None of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That no part of any appropriations to the Bureau of Indian Affairs shall be available to provide general assistance payments for Alaska Natives in the State of Alaska unless and until otherwise specifically provided for by Congress: *Provided further*, That notwithstanding any other provision of law, within fourteen days of the date of enactment of this Act the Snowflake Dormitory in Arizona shall be closed and thereafter no funds available to the Bureau of Indian Affairs shall be available to operate an educational or boarding program at that location: *Provided further*, That notwithstanding any law or regulation, in allocating funds for aid to public schools under the Act of April 16, 1934, as amended, the Secretary shall enter into contracts only for the provision of supplementary educational services for Indian children: *Provided further*, That the Secretary of the Interior shall transfer without cost to the Saint Labre Indian School of Ashland, Montana, the interests of the United States in the supplies and equipment acquired by or for the school during the period when it was financially aided by the Bureau of Indian Affairs.

98 Stat. 2440.
20 USC 2313.

25 USC 452 note.

CONSTRUCTION

98 Stat. 3157.

42 USC 4321
note.

For construction, major repair and improvement of irrigation and power systems, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; and construction, repair, and improvement of Indian housing, \$101,054,000, to remain available until expended: *Provided*, That no funds shall be expended for land acquisition on behalf of the Covelo Indian Community until the Community has sufficient non-Federal funds, which when combined with the Federal funds, will complete the land acquisition: *Provided further*, That such amount includes \$22,000,000 for use by the Secretary to construct homes and related facilities for the Navajo and Hopi Indian Relocation Commission in lieu of construction by the Commission under section 15(d)(3) of the Act of December 22, 1974 (88 Stat. 1719; 25 U.S.C. 640d-14(d)(3)), and to ensure that a priority for the use of these funds is given to Navajo families who are actual physical residents of the Hopi Partitioned Lands on the date of enactment hereof, and to expedite relocations and construction under this proviso (1) with respect to any lands acquired pursuant to section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d-10(a)) the Secretary shall not be required to enter into contracts under section 102 of the Indian Self-Determination Act (88 Stat. 2206; 25 U.S.C. 450f) in carrying out this proviso, (2) the Secretary's authority under section 106(a) of the Indian Self-Determination Act (88 Stat. 2210; 25 U.S.C. 450j(a)) shall apply for contracts for construction under this proviso without regard to the status of the contractor; with respect to any lands acquired pursuant to section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d-10(a)), (3) the Secretary may carry out construction and lease approvals or executions under this proviso without regard to the Commission's regulations and under such administrative procedures as the Secretary may adopt without regard to the rulemaking requirements of any law, executive order, or regulation, (4) an action under this proviso is not a major Federal action for the purpose of the National Environmental Policy Act of 1969, as amended, and (5) after January 1, 1986, the Secretary may issue leases and rights-of-way for housing and related facilities to be constructed on the lands which are subject to section 11(h) of the Act of December 22, 1974, as amended (25 U.S.C. 640d-10(h)).

ROAD CONSTRUCTION

Not to exceed 5 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover roads program management costs and construction supervision costs of the Bureau of Indian Affairs: *Provided*, That \$3,200,000 of the contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund for road construction to serve the Navajo Reservation shall be used by the Secretary of the Interior for road construction projects to serve land transferred or acquired under the Act of December 22, 1974, as amended (88 Stat. 1712; 25 U.S.C. 640d et seq.): *Provided further*, That the foregoing shall not alter the amount of funds or contract authority that would otherwise be available for road construction to serve any Indian reservation or land other than the Navajo reservation.

ALASKA NATIVE ESCROW ACCOUNT

For the Federal contribution to the Alaska Native Escrow Account related to proceeds received by Federal agencies from lands or resources of lands after the date of withdrawal of the land for Native selection as authorized by Public Law 94-204, an amendment to the Alaska Native Claims Settlement Act (43 U.S.C. 1631-1641; 89 Stat. 1476), and Public Law 96-487, the Alaska National Interest Lands Conservation Act (94 Stat. 2497), \$7,877,000: *Provided*, That those funds appropriated hereunder which represent proceeds received from lands which have been conveyed on or before the date of enactment of this Act shall be distributed to the appropriate Native corporations pursuant to Public Law 96-487 immediately upon receipt in the escrow account: *Provided further*, That those funds which represent proceeds received from lands withdrawn for Native Selection but not yet conveyed on the date of the enactment of this Act will be held in the escrow account and invested until conveyance, and shall, during the time that such funds are on deposit in the escrow account, be entitled to their share of the interest earned by the escrow account pursuant to the first proviso of section 2(b) of Public Law 94-204.

43 USC 1604
note.16 USC 3101
note.43 USC 1613
note.

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed \$4,000,000 from tribal funds not otherwise available for expenditure.

REVOLVING FUND FOR LOANS

During fiscal year 1986, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed \$16,300,000: *Provided*, That notwithstanding section 102 of the Indian Financing Act of 1974, as amended (25 U.S.C. 1462) and regulations restricting the purposes for loans under that Act, the Secretary may make a loan under title I of that Act to the Zuni Pueblo for the acquisition in trust for the Pueblo of private lands in the area known as Zuni Heaven in an amount not to exceed \$1,470,000.

25 USC 1461.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), \$2,210,000, to remain available until expended: *Provided*, That during fiscal year 1986, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits; and purchase

of not to exceed 150 passenger carrying motor vehicles, of which 1 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, \$80,376,000, which (1) \$77,903,000 shall be available until expended for technical assistance; repurchase premium, late charges, and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions, \$2,000,000 for a loan to the Government of the United States Virgin Islands, for construction of an extension to the Alexander Hamilton Airport runway, St. Croix: *Provided*, That issuance of such loan shall be contingent upon approval of a multiyear grant of Airport Improvement Program funds from the Federal Aviation Administration, and a written guarantee from the Government of the United States Virgin Islands as to the source of funds to be used for repayment of the loan; construction grants to the Government of Guam of \$4,583,000, as authorized by law (Public Law 98-454; 98 Stat. 1732); direct grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 241; and Public Law 98-454; 98 Stat. 1732); and (2) \$2,473,000 for fiscal year 1986 for salaries and expenses of the Office of Territorial and International Affairs, of which not to exceed \$1,000 shall be available during 1986 for official reception and representation expenses: *Provided further*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That upon enactment of this Act the remaining balance of fiscal year 1985 funds provided in Public Law 98-473 for a grant to the College of the Virgin Islands Eastern Caribbean Center shall be released to the College of the Virgin Islands.

48 USC 1401f,
1423f, 1665.

48 USC 1469b.

98 Stat. 1837.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior for the administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), grants for expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to

43 USC 1681
note.

Trust Territory of the Pacific Islands, in addition to local revenues, or support of governmental functions; \$80,372,000, of which \$70,922,000 is for operations, and \$9,450,000 is for construction, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration.

48 USC 1683.

48 USC 1682.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of the Interior, \$43,411,000, of which not to exceed \$10,000 may be for official reception and representation expenses: *Provided*, That notwithstanding any other provision of law, of the funds provided under this heading, not to exceed \$300,000 shall be used to pay or repay the costs of development of alternative winter stock water supplies by water users who have been deprived of winter stock water from the main channel of Willow Creek, Idaho, below Ririe Dam and Reservoir because of the operation of the dam and reservoir (hereinafter in this account referred to as claimants).

Any payment to a claimant made under this section shall constitute full settlement and satisfaction of all claims such claimant may have against the United States relating to the loss of winter stock water from Willow Creek, Idaho. The provisions of this section shall not apply to any claim settled prior to the date of enactment of this Act.

The Secretary shall make a payment to a claimant only if—

(1) the claimant notifies the Secretary of his claim within six months after the date of enactment of this Act;

(2) the claimant provides an affidavit proving, to the satisfaction of the Secretary, his use of winter stock water from Willow Creek prior to December 31, 1979; and

(3) the claimant executes a waiver and release, in a manner satisfactory to the Secretary, of any and all claims against the United States relating to the loss of winter stock water from Willow Creek, Idaho. Such waiver and release shall be recorded in the county where the claimant's land is located.

Any claimant who has developed an alternate winter stock water supply since December 31, 1979, shall be eligible for a payment of an amount equal to the actual construction costs incurred by such claimant in the development of such supply, as determined by the Secretary.

Any claimant who has not developed an alternate winter stock water supply as of the date of enactment of this Act, shall be eligible for a payment of an amount equal to the funds necessary for the development of such supply, as determined by the Secretary. The Secretary's determination shall be based on the size and configuration of the claimant's land and on the size and type of the claimant's livestock operation.

"Costs and expenses incurred by a claimant in the operation and maintenance of his alternate winter stock water supply shall not be reimbursable.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$20,378,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$16,214,000.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, \$780,000: *Provided*, That the Secretary of the Interior shall submit to the House and Senate Committees on Appropriations a revised Memorandum of Agreement between the Bureau of Indian Affairs and the Office of Construction Management, vesting the program direction and control of the facility design, construction, repair, operation and maintenance programs of the Bureau in the Office of Construction Management, and a detailed plan for implementation of said Agreement, within 60 days of the enactment of this Act.

OFFICE OF THE SECRETARY

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payment in foreign currencies which the Treasury Department shall determine to be excess to the normal requirement of the United States, for necessary expenses of the United States Fish and Wildlife Service and the National Park Service as authorized by law, \$1,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations, to such office for payment in the foregoing currencies (7 U.S.C. 1704).

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 5 additional aircraft, a portion of which shall be for replacement only: *Provided*, That no program funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Prohibitions.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods or volcanoes; for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That funds transferred pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

30 USC 1240.

30 USC 1201
note.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, whenever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

98 Stat. 3.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members: *Provided*, That no funds available to the Department of the Interior are available for any expenses of the Great Hall of Commerce.

Prohibitions.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

Contracts.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls

Prohibitions.
Outer
Continental
Shelf.

for information, tract selection, notices of sale, receipt of bids and award of leases) of lands within:

(a) An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-1; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath starting in a roughly southeasterly direction; then turning northeast and north until such isobath intersects the maritime boundary between Canada and the United States of America; then north northeasterly along this boundary until this line intersects the 60 meter isobath at the northern edge of block 8 of protraction diagram NK 19-6; then along a line that lies between blocks 851 and 807 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree west longitude line.

(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1007 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

(c) The following blocks are included in the described area: in protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 807 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (45 U.S.C. 1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantis Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Conbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, and Munson Canyon, and consisting of the following blocks respectively:

(1) On Outer Continental Shelf protraction diagram NK 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 132, 168, 169, 174-176, 212, 213.

(2) On Outer Continental Shelf protraction diagram NJ 19-2; blocks 8, 9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009, 1011.

(4) On Outer Continental Shelf protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

(e) Nothing in this section shall prohibit the lease of that portion of any blocks described in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subsection (d) above: *Provided*, That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric Administration, Department of Commerce, on the date of enactment of this Act.

(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact statements as required by the National Environmental Policy Act.

(g) References made to blocks, protraction diagrams, and isobaths are to such blocks, protraction diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude (Map No. MMS-10), prepared by the United States Department of the Interior, Minerals Management Service, Atlantic OCS Region.

SEC. 108. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

SEC. 109. Notwithstanding any other provision of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. 110. No funds provided in this title may be used to defray any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. 111. The Secretary of the Interior is hereby directed to make every effort during the balance of fiscal year 1986 to resolve the outstanding conflicts with respect to the future leasing and protection of lands on the California outer continental shelf for oil and gas exploration and development. To this end, the Secretary shall submit to the Congress once every 60 days following the date of enactment of this Act until the end of fiscal year 1986 a report summarizing the progress of negotiations carried out to resolve these outstanding conflicts. Such negotiations shall be conducted by

Contracts.

Prohibitions.

Motor vehicles.
Aircraft and air
carriers.
Vessels.
Canada.
Mexico.

Public lands.
Outer
Continental
Shelf.
Petroleum and
petroleum
products.
Natural gas.
Reports.

the Secretary and the following Members of Congress to be designated by the Speaker of the House of Representatives and the Majority Leader of the Senate:

(1) The Chairmen and ranking minority members of the following committees and subcommittees of the Congress having jurisdiction over these issues:

(A) The Subcommittee on the Interior of the Committee on Appropriations of the House of Representatives.

(B) The Subcommittee on Energy and the Environment of the Committee on Interior and Insular Affairs of the House of Representatives.

(C) The Subcommittee on the Panama Canal and Outer Continental Shelf of the Committee on Merchant Marine and Fisheries of the House of Representatives.

(D) The Subcommittee on the Interior of the Committee on Appropriations of the Senate.

(E) The Committee on Energy and Natural Resources of the Senate.

(2) Two United States Senators from California.

(3) Seven members of the California delegation to the House of Representatives.

Prohibitions.
Report.
Regulations.

SEC. 112. None of the funds provided by this Act shall be expended by the Secretary of the Interior to promulgate final regulations concerning paleontological research on Federal lands until the Secretary has received the National Academy of Sciences' report concerning the permitting and post-permitting regulations concerning paleontological research and until the Secretary has, within 90 days, submitted a report to the appropriate committees of the Congress comparing the National Academy of Sciences' report with the proposed regulations of the Department of the Interior.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, \$126,283,000, of which \$6,840,000 shall remain available until expended for competitive research grants, as authorized by section 6 of Public Law 95-307.

16 USC 1644.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, \$57,986,000, shall remain available for obligation until expended, to carry out activities authorized in Public Law 95-313: *Provided*, That a grant of \$3,000,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495.

16 USC 2101
note.
92 Stat. 1652.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, including administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", \$1,054,629,000, of which \$182,053,000, for reforestation, timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1987: *Provided*, That the unobligated balances available September 30, 1985 and funds becoming available in fiscal year 1986 under the Act of October 14, 1980 (16 U.S.C. 1606), shall be transferred to and merged with the National Forest System appropriation account as of October 1, 1985: *Provided further*, That notwithstanding any other provision of law, subsection (e) of section 303 of the Act of October 14, 1980, as amended by the Act of January 6, 1983, Public Law 97-424 (16 U.S.C. 1606), is repealed and subsection (d) of section 303 of the Act of October 14, 1980, as amended by the Act of January 6, 1983, Public Law 97-424 (16 U.S.C. 1606), is amended to read as follows:

Repeal.
16 USC 1606a.
16 USC 1606a.

"(d) The Secretary of Agriculture is hereafter authorized to obligate such sums as are available in the Trust Fund (including any amounts not obligated in previous fiscal years) for—

- (1) reforestation and timber stand improvement as specified in section (3)(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(d)); and
- (2) properly allocable administrative costs of the Federal Government for the activities specified above."

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, \$223,865,000, to remain available until expended, of which \$27,449,000 is for construction and acquisition of buildings and other facilities; and \$196,416,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1986 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That road construction standards used to construct Forest Service roads, purchaser credit roads, or purchaser elect roads shall be applied, or other management initiatives or administrative cost-saving actions taken, including reductions in personnel or overhead charges, in fiscal year 1986 in a manner so as to achieve a 5 per centum reduction in the average cost per road mile as compared to fiscal year 1985: *Provided further*, That such actions shall be taken so as to achieve this 5 per centum reduction in each Forest Service region: *Provided further*, That notwithstanding any other provision of this Act or any other provision of law, \$9,915,000 of the contract authority available in the Federal Highway Trust Fund and not otherwise appropriated shall be available to the Forest Service for road construction to Forest Development Road Standards to serve the Mount St. Helens Na-

tional Volcanic Monument, Washington: *Provided further*, That the foregoing shall not alter the amount of funds or contract authority that would otherwise be available for road construction to serve a State other than the State of Washington.

LAND ACQUISITION

16 USC 4601-4
note.

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$28,300,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That of the amount appropriated, \$3,900,000 shall be paid to Edwards Investments, an Idaho partnership, upon delivery of a quitclaim deed to the United States conveying acceptable title to all of Edwards Investments' interest in all those portions of a former Chicago, Milwaukee, St. Paul, and Pacific Railroad right-of-way between Avery, Idaho and St. Regis, Montana that cross or adjoin Federal lands, including all of Edwards Investments' interests in all improvements on said right-of-way. Upon acquisition, some or all of the right-of-way may be used as a road and available for public travel where determined appropriate by the Chief of the Forest Service.

ACQUISITION OF LANDS FOR NATIONAL FORESTS, SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, and Cleveland National Forests, California, as authorized by law, \$782,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 1967, as amended (16 U.S.C. 484a), all funds deposited by State, county or municipal governments, public school districts or other public school authorities pursuant to that Act, to remain available until expended.

RANGE BETTERMENT FUND

43 USC 1751.

For necessary expenses of range rehabilitation, protection, and improvement in accordance with section 401(b)(1), of the Act of October 21, 1976, Public Law 94-579, as amended, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the six Western States, to remain available until expended.

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), \$90,000, to remain available until expended, to be derived from the fund established pursuant to 16 U.S.C. 1643(b).

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 252 passenger motor vehicles of which 13 will be used primarily for law enforcement purposes and of which 233 shall be for replacement only; acquisition of 161 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 2 for replacement only, and acquisition of 43 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of \$400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction. The Secretary of Agriculture may authorize the expenditure of any no year appropriation available to the Forest Service for emergency actions related to emergency flood repair needs at the Monongahela National Forest and at the Parsons, West Virginia, Research Laboratory: *Provided*, That funds made available for such emergency actions shall be available for the payment of obligations incurred during the preceding fiscal year and funds expended pursuant to this provision must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, and technical information and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national

forest and credited to the Forest Service Permanent Appropriation to be expended for timber salvage sales from any national forest. *Provided further*, That no less than \$24,000,000 shall be made available to the Forest Service for obligation in fiscal year 1986 from the Timber Salvage Sale Fund appropriation.

Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 97-942.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Not to exceed \$900,000 shall be available from National Forest System appropriations or permanent appropriations for the special purpose of removing slash and cull logs from the Bull Run, Oregon watershed to preserve water quality and reduce fire hazards.

None of the funds made available under this Act shall be obligated or expended to adjust annual recreational residence fees to an amount greater than that annual fee in effect at the time of the next to last fee adjustment, plus 50 per centum. In those cases where the currently applicable annual recreational residence fee exceeds the adjusted amount, the Forest Service shall credit to the permittee that excess amount, times the number of years that that fee has been in effect, to offset future fees owed to the Forest Service.

Current permit holders who acquired their recreational residence permit after the next to last fee adjustment shall have their annual permit fee computed as if they had their permit prior to the next to last fee adjustment, except that no permittee shall receive an earned credit.

Notwithstanding any delegations of authority provided for in the regulations of the Department of Agriculture or in the Forest Service manual, the Chief of the Forest Service shall, personally and without aid of mechanical devices or persons acting on his behalf, execute (1) all deeds conveying federally owned land which exceed \$250,000 in value, (2) all acceptances of options on lands to be acquired which exceed \$250,000 in value, (3) all recommendations for condemnation to be initiated, (4) all letters accepting donation of land, (5) all decisions on appeals of decisions related to land transactions made by regional foresters, and (6) land related transmittals to the House or Senate Committees on Appropriations, including proposals for congressional action such as the acquisition of land in excess of the approved appraised value, condemnation actions, and other items covered in reprogramming guidelines.

Funds available to the Forest Service shall be available to conduct a program of not less than \$3,400,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

(INCLUDING RESCISSION)

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980, (Public Law 96-126) and subsequently made available to carry out Part B of title I of the Energy Security Act (Public Law 96-294) by Public Laws 96-304, 96-514, and 98-473, the amounts available to the Board of Directors of the United States Synthetic Fuels Corporation and not obligated as of the date of enactment of this Act are rescinded, except that this rescission shall not apply to (1) funds made available for Clean Coal Technology by this Act; (2) such amounts as may be necessary to make payments for synthetic fuels projects or modules for which legally binding awards or commitments for financial assistance were entered into under title I of the Energy Security Act before the date of enactment of this Act; and (3) \$10,000,000 to be used to terminate the Corporation in accordance with subtitle J of the Energy Security Act: *Provided*, That to the extent that the Secretary of the Treasury may be required to take an action under section 131(q) of the Energy Security Act in connection with such awards or commitments, the Secretary shall complete such action within 30 days of enactment of this Act: *Provided further*, That the limitation in Public Law 98-473 on the initial use of \$5,700,000,000 of such funds only for obligation to synthetic fuel projects with Letters of Intent authorized by the Board of Directors of the United States Synthetic Fuels Corporation on or before June 1, 1984, is hereby repealed: *Provided further*, That of the funds in the Energy Security Reserve prior to the date of enactment of this Act \$400,000,000 shall be available for the Clean Coal Technology Program in the Department of Energy authorized under the Clean Coal Technology Reserve proviso of Public Law 98-473 for the purpose of conducting cost-shared Clean Coal Technology projects for the construction and operation of facilities to demonstrate the feasibility for future commercial applications of such technology, to remain available until expended, of which \$100,000,000 shall be immediately available; (2) an additional \$150,000,000 shall be available beginning October 1, 1986; and (3) an additional \$150,000,000 shall be available beginning October 1, 1987: *Provided further*, That the proviso in Public Law 98-473 depositing and retaining in the Clean Coal Technology Reserve \$750,000,000 of funds in the Energy Security Reserve rescinded by said Act is amended so as to reduce the current amount of such deposited and retained funds to \$350,000,000: *Provided further*, That notwithstanding section 191 of the Energy Security Act (Public Law 96-294), effective the date of enactment of this Act, the Board may not make any legally binding awards or commitments for financial assistance (including any changes in an existing award or commitment) pursuant to the Energy Security Act for synthetic fuel project proposals, except that nothing in this Act shall impair or alter the powers, duties, rights, obligations, privileges, or liabilities of the Corporation, its Board or Chairman, or project sponsors in the performance and completion of the terms and undertakings of a legally binding award or commitment entered into prior to the date of enactment of the Act: *Provided further*, That (1) within 60 days of enactment of this Act,

93 Stat. 954.

42 USC 8701
note.
94 Stat. 857.
94 Stat. 2957.
98 Stat. 1837.

42 USC 8701.

42 USC 8791.

42 USC 8731.

98 Stat. 1837.

42 USC 8791
note.
42 USC 8701
note.42 USC 8791
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42 USC 8701
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42 USC 8791
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42 USC 8791
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42 USC 8791
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42 USC 8791
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42 USC 8791
note.

42 USC 8791
note.

94 Stat. 857.
94 Stat. 2957.
95 Stat. 14.
96 Stat. 1966.
42 USC 8801
note.

the Directors of the Synthetic Fuels Corporation shall terminate their duties under the Energy Security Act and be discharged; and (2) within 120 days of enactment of this Act, the Corporation shall terminate in accordance with Subtitle J of said Act: *Provided further*, That within 60 days of enactment of this Act (or earlier, in the event of absence of a Chairman of the Synthetic Fuels Corporation) the Secretary of the Treasury shall assume the duties of the Chairman: *Provided further*, That, notwithstanding any other provisions of law, the duties and responsibilities of the Secretary of the Treasury under Subtitle J of said Act or this Act may not be transferred to any other Federal department or agency: *Provided further*, That notwithstanding such termination, the Advisory Committee established under section 123 of the Energy Security Act (42 U.S.C. 8719) shall remain in effect to advise the Secretary of the Treasury regarding the administration of any contract or obligation of the Corporation pursuant to subtitle D of said Act: *Provided further*, That the Director of the Office of Personnel Management shall, before February 1, 1986, determine the amount of compensation rights which each Director, officer, or employee shall be legally entitled to under any contract in effect on the date of enactment of this Act: *Provided further*, That effective on the date of enactment of this Act, no change in any compensation or benefit in effect on the date of enactment of this Act shall be allowed or permitted, unless the Director of the Office of Personnel Management agrees that such change is reasonable: *Provided further*, That effective on the date of enactment of this Act, (1) no officer or employee of the Corporation shall receive a salary in excess of the rate of basic pay payable for level IV of the Executive Schedule under title 5 of the United States Code; and (2) the Corporation shall not waive any requirements in its By-Laws which are necessary for a Director, officer, or employee to qualify for pension or termination benefits under the By-Laws and written personnel policies and procedures in effect on the date of enactment of this Act: *Provided further*, That the Corporation, by September 15, 1986, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Energy and Commerce and Committee on Banking, Housing and Urban Affairs of the House of Representatives a report (1) containing a review of implementation of its Phase I Business Plan dated February 19, 1985 and (2) fulfilling the requirements of section 126(b)(3) of the Energy Security Act (42 U.S.C. 8722(c)(3)).

Of the funds available from the Energy Security Reserve to the Secretary of Energy for alcohol fuel loan guarantees under Public Law 96-304, as amended by Public Laws 96-514, 97-12 and 97-394, the Secretary shall provide a loan for odor abatement at an ethanol producing facility that has received financial assistance under title II of Public Law 96-294 and that was in operation on November 1, 1985: *Provided*, That—

(1) such loan shall not exceed 90 percent of the net cost of the odor abatement project and in no case shall the amount of such loan exceed \$3,000,000,

(2) the Secretary shall not provide such loan until the Secretary has received satisfactory assurances that a non-Federal share in the amount of 10 percent of the net cost of the odor abatement project is available,

(3) payment of principal under the loan shall not be due until the repayment in full of permanent financing guaranteed by

the Department of Energy for the construction of such ethanol producing facility,

(4) interest shall accrue immediately upon receipt of the loan and payment of interest shall be made at regular intervals established by the Secretary but not to exceed the current average rate of outstanding marketable obligations of the United States with comparable maturities,

(5) the Secretary shall not make such loan until the Secretary has received satisfactory assurances that any expenses of operating equipment installed using funds made available under this loan shall be paid by the New Energy Corporation of Indiana,

(6) principal and interest payments made under this loan shall be repaid into the Alcohol Fuels Loan Guarantee Reserve, and

(7) the Secretary shall establish such other terms and conditions as the Secretary considers appropriate.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

Within 60 days following enactment of this Act, the Secretary of Energy shall, pursuant to the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901, et seq.), issue a general request for proposals for clean coal technology projects for which the Secretary of Energy upon review may provide financial assistance awards. Proposals for clean coal technology projects under this section shall be submitted to the Department of Energy within 60 days after issuance of the general request for proposals. The Secretary of Energy shall make any project selections no later than August 1, 1986: *Provided*, That the Secretary may vest fee title or other property interests acquired under cost-shared clean coal technology agreements in any entity, including the United States: *Provided further*, That the Secretary shall not finance more than 50 per centum of the total costs of a project as estimated by the Secretary as of the date of award of financial assistance: *Provided further*, That cost-sharing by project sponsors is required in each of the design, construction, and operating phases proposed to be included in a project: *Provided further*, That financial assistance for costs in excess of those estimated as of the date of award of original financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and only up to 25 per centum of the original financial assistance: *Provided further*, That revenues or royalties from prospective operation of projects beyond the time considered in the award of financial assistance, or proceeds from prospective sale of the assets of the project, or revenues or royalties from replication of technology in future projects or plants are not cost-sharing for the purposes of this appropriation: *Provided further*, That other appropriated Federal funds are not cost-sharing for the purposes of this appropriation: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice.

42 USC 5903d.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

42 USC 7101
note.

15 USC 719 note.

97 Stat. 919.

93 Stat. 970.

96 Stat. 1966.

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, \$312,848,000, to remain available until expended, of which \$535,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909), and \$8,230,000 to be derived by transfer from unobligated balances in the "Fossil energy construction" account, \$2,010,000 to be derived by transfer from the account entitled "Alternative fuels production", of which \$200,000 is derived from Public Law 98-146 for a wood pellet gasifier facility, and \$2,775,000 to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the "Energy security reserve" established by Public Law 96-126: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this head in Public Law 97-394 for a Western Hemisphere alternative fuels facility feasibility study, which remain unobligated, shall be available for carrying out any fossil energy research and development activities: *Provided further*, That \$15,000,000 of the sum provided under this heading shall be available for demonstration of the Kilngas coal gasification process, with the provision that the United States Treasury shall be repaid up to double the total Federal expenditure for such process from proceeds to the participants from the commercial sale, lease, manufacture, or use of such process.

Of the funds herein provided, \$29,000,000 is for implementation of the June, 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided further*, That 10 per centum private sector cash or in-kind contributions shall be required for obligations incurred in fiscal year 1986, 20 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1987, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That cost-sharing shall not be required for the costs of constructing or operating government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further*, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserves activities, including the purchase of not to exceed 3 passenger motor vehicles, for replacement only, \$13,668,000, to remain available until expended.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$449,418,000, to remain available until expended: *Provided*, That pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5821(b)(1)(B), of the amount appropriated under this head, \$10,319,000 shall be available for a grant for basic industry research facilities located at Northwestern University without section 111(b)(2) of such Act being applicable: *Provided further*, That section 404 of Public Law 98-558 shall not be effective in any fiscal year in which the amount made available for low income weatherization assistance from appropriations under this head is less than 5 per centum above the amount made available in fiscal year 1985: *Provided further*, That \$7,500,000 of the amount provided under this heading shall be available for a research and development initiative with the National Laboratories for new technologies up to proof-of-concept testing to increase significantly the energy efficiency of processes that produce steel: *Provided further*, That obligation of funds for these activities shall be contingent on an agreement to provide cash or in-kind contributions to the initiative or to other collaborative research and development activities related to the purpose of the initiative equal to 30 per cent of the amount of Federal government obligations: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not acceptable as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds.

98 Stat. 2888.
42 USC 6865
note.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, \$24,623,000.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, \$6,044,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), \$113,043,000, to remain available until expended.

42 USC
6231-6246.

SPR PETROLEUM ACCOUNT

42 USC 6240
note.

Notwithstanding any other provision of law, the Secretary of Agriculture, at the request of the Secretary of Energy, may exchange agricultural products owned by the Commodity Credit Corporation for crude oil to be delivered to the Strategic Petroleum Reserve: *Provided*, That the Secretary of Energy shall approve the quantity, quality, delivery method, scheduling, market value and other aspects of the exchange of such agricultural products: *Provided further*, That if the volume of agricultural products to be exchanged has a value in excess of the market value of the crude oil acquired by such exchange, then the Secretary of Agriculture shall require as part of the terms and conditions of the exchange that the party or entity providing such crude oil shall agree to purchase within six months following the exchange, current crop commodities or value-added food products from United States producers or processors in an amount equal to at least one-half the difference between the value of the commodities received in exchange and the market value of the crude oil acquired for the Strategic Petroleum Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$60,682,000.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other money received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with project of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the

Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

The reporting requirement established by the last paragraph under the heading "Department of Energy Alternative Fuels Production" in an Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1980 (42 U.S.C. 5915 note; Public Law 96-126), is hereby repealed.

Repeal.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and V and section 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, \$823,133,000: *Provided*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1987. Funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1987, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts, for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1987.

42 USC
2001-2004b.
25 USC 450 note.
25 USC 1601
note.
42 USC 241, 219,
254r.

25 USC note
prec. 1651.

42 USC 1395,
1396.

25 USC 1613.
42 USC 254r.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, purchases of trailers and for provision of domestic and community sanitation

25 USC 450 note.
25 USC 1601
note.

facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, \$46,947,000, to remain available until expended: *Provided*, That the Rosebud, South Dakota, hospital shall be designed and constructed with a capacity of 35 beds.

ADMINISTRATIVE PROVISIONS

INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further*, That non-Indian patients may be extended health care at all Indian Health Service facilities, if such care can be extended without impairing the ability of the Indian Health Service to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That notwithstanding any other provision of law, to satisfy the outstanding judgment against the Seattle Indian Health Board resulting from termination of its occupancy of the Kobe Park building in Seattle, Washington, \$180,000 shall be provided from the unobligated balance available to the Indian Health Service from prior years' appropriations. Such payment shall be made only if the owners of the Kobe Park Building Company accept the sum named as full satisfaction for current or future claims against the Seattle Indian Health Board and the individual members of the Board.

42 USC 1395f,
1395n, 1395gg
and note, 1396j
and note, 1396d.

25 USC 1681.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act, \$67,476,000 of which \$50,323,000 shall be for part A and \$14,820,000 shall be for parts B and C: *Provided*, That the amounts available pursuant to section 423 of the Act shall remain available for obligation until September 30, 1987.

20 USC 241aa
note.

20 USC 3385b.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, \$22,491,000 to remain available until expended, for operating expenses of the Commission: *Provided*, That notwithstanding any regulation to the contrary, the Commission shall notify the Secretary of the Interior by January 1, 1986, of those eligible relocatees who, as of November 30, 1985, were physically domiciled on the lands partitioned to the Hopi Tribe, who had applied by November 30, 1985, for relocation to the lands which are subject to section 11(h) of the Act of December 22, 1974, as amended (25 U.S.C. 640d-10(h)): *Provided further*, That the Commission shall notify the Secretary of the Interior by January 1, 1986, of those eligible relocatees who, as of November 30, 1985, were physically domiciled on the lands partitioned to the Hopi Tribe, who by November 30, 1985, had not selected a site for relocation and those eligible relocatees shall be designated for relocation to the lands which are subject to section 11(h) of the Act of December 22, 1974, as amended (25 U.S.C. 640d-10(h)): *Provided further*, That none of the funds contained in this or any other Act may be used to evict any Navajo household who, as of November 30, 1985, is physically domiciled on the lands partitioned to the Hopi Tribe until such time as a new or replacement home is available for such household.

25 USC 640d
note.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; \$178,063,000 including not less than \$777,000 to carry out the provisions of the National Museum Act, \$175,000 to be made available to the trustees

20 USC 65a note.

of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra and \$175,000 for payment to the Washington Opera Society for activities related to their responsibilities as resident entities of the Center, and such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That none of these funds shall be available to a Smithsonian Research Foundation.

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, \$2,500,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: *Provided further*, That none of these funds shall be available to a Smithsonian Research Foundation: *Provided further*, That not to exceed \$500,000 may be used to make grant awards to employees of the Smithsonian Institution.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, \$5,551,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$11,075,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses to construct, equip, and furnish the Center for African, Near Eastern, and Asian Cultures in the area south of the original Smithsonian Institution Building, \$4,000,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$33,754,000, of which not to exceed \$2,200,000 for the special exhibition program shall remain available until expended. 20 USC 74.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$3,300,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$3,392,000. 20 USC 80e note.

ENDOWMENT CHALLENGE FUND

For the purpose of an endowment challenge fund for the Woodrow Wilson International Center for Scholars, \$1,000,000, to remain available until September 30, 1988: *Provided*, That such sums shall become available only to the extent matched on a three-to-one basis by private funds: *Provided further*, That these funds may be invested in securities approved by the Board of Trustees and the income from such investments may be used to support programs of the Center deemed appropriate by the Trustees and by the Director of the Center.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

- 20 USC 951 note. For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$137,260,000 of which \$121,678,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5 of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and \$15,582,000 shall be available for administering the functions of the Act.
- 20 USC 954.

MATCHING GRANTS

- 20 USC 959. To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$29,400,000, to remain available until September 30, 1986, to the National Endowment for the Arts, of which \$20,580,000 shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devised money, and other property accepted by the Chairman or by grantee of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.
- 20 USC 954.
- 20 USC 960.

ARTS AND ARTIFACTS INDEMNITY FUND

- 20 USC 971 note. For payment of certified claims for losses or damages pursuant to the Arts and Artifacts Indemnity Act of 1975, \$300,000, to remain available until expended: *Provided*, That such funds shall be available to the National Endowment for the Arts for obligation only for claims for losses or damages which the Federal Council on the Arts and the Humanities has certified as valid and reported to the Speaker of the House of Representatives and the President pro tempore of the Senate, as provided by the Act.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

- 20 USC 956. For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$110,818,000 of which \$96,618,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and \$14,200,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965,

mended, \$28,660,000, to remain available until September 30, 1987, of which \$17,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

20 USC 959.

20 USC 956.

20 USC 960.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

There is hereby authorized a program to support artistic and cultural programs in the Nation's Capital to be established under the direction of the National Endowment for the Humanities. Not to exceed \$5,000,000 annually is authorized to provide grants for general operating support to eligible organizations located in the District of Columbia which are engaged primarily in performing, exhibiting and/or presenting arts.

20 USC 956a.

Eligibility for grants shall be limited to not-for-profit, non-academic institutions of demonstrated national repute and is further limited to organizations having an annual operating budget in excess of \$1,000,000 for each of the three years prior to receipt of a grant. The following organizations are deemed eligible to receive grants under this section: Folger Theater, Corcoran Gallery of Art, Phillips Gallery, Arena Stage, the National Building Museum, the National Capital Children's Museum, the National Symphony Orchestra, the Washington Opera Society, and Ford's Theater.

20 USC 956a.

The Chairman of the National Endowment for the Humanities shall establish an application process and shall, along with the Chairman of the National Endowment for the Arts and the Chairman of the Commission on Fine Arts determine the eligibility of applicant organizations in addition to those herein named.

20 USC 956a.

Of the funds provided for grants, 70 per centum shall be equally distributed among all qualifying organizations and 30 per centum shall be distributed based on the size of an organization's total operating budget compared to the combined total of the operating budgets of all eligible institutions. No organization shall receive a grant in excess of \$500,000 in a single year.

20 USC 956a.

An application process shall be established no later than March 1, 1986, and initial grants shall be awarded no later than June 1, 1986.

20 USC 956a.

There is hereby appropriated \$2,000,000, to remain available until expended, to carry out the provisions of this section.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, \$21,523,000: *Provided*, That none of these funds shall be available for the compensation of Executive level V or higher positions.

20 USC 961 note.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or

contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$382,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

16 USC 470. For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, \$1,585,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

16 USC 71 note. For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$2,712,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$21,000, to remain available for obligation until September 30, 1987.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

40 USC 885. For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, \$2,329,000 for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

40 USC 885. For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, \$3,250,000, to remain available for obligation until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

36 USC 1401.
36 USC 1404
note. For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, \$2,125,000: *Provided*, That persons other than

members of the United States Holocaust Memorial Council may be designated as members of committees associated with the United States Holocaust Memorial Council subject to appointment by the chairman of the Council: *Provided further*, That any persons so designated shall serve without cost to the Federal Government.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Contracts.
Public
availability.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

Prohibitions.
Timber.
Exports.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

Shawnee
National Forest.
Petroleum and
petroleum
products.
Natural gas.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

Prohibitions.

SEC. 305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Prohibitions.

SEC. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

Prohibitions.

SEC. 307. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1) (A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226), none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sul-

Prohibitions.
Alaska.
National Forest
System.
National
Wilderness
Preservation
System.
Environmental
protection.
94 Stat.
3268-3270.
94 Stat. 3223.
94 Stat. 949.

16 USC 1133.

phur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided*, That nothing in this section shall prohibit expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further*, That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further*, That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further*, That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting in conjunction with the Secretary of Energy, the National Laboratories, or other Federal agencies appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and x-ray diffraction analysis; land satellites; or other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further*, That in carrying out any such inventory surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further*, That funds provided in this Act may be used by

Secretary of the Interior to issue oil and gas leases for the surface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields and areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other nonsurface disturbing methods.

SEC. 308. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the committees on Appropriations and are approved by such committees.

SEC. 310. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent other than permanent employment except as provided by law.

SEC. 311. Notwithstanding any other provisions of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution, are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 313. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

SEC. 314. None of the funds provided in this Act may be used to establish new grizzly bear populations in any unit of the National Park System or the National Forest System where no verified grizzly bear population currently exists. None of the funds provided in this Act may be used for augmentation in occupied areas of grizzly bear habitat unless an augmentation plan has been developed and made available for public review and comment in full compliance with the National Environmental Policy Act by all participating federal agencies: *Provided*, That it is not intended to prohibit the preparation of proposals to augment existing grizzly bear populations in occupied grizzly bear habitat: *Provided further*, that such augmentation may be conducted only with funds specifically identified for such purpose in an agency budget justification and subsequently approved in a report accompanying an appropriation bill making appropriations for that agency, or with funds provided for through reprogramming procedures: *Provided further*,

Prohibitions.
Petroleum
and petroleum
products.
Geothermal
leasing.
Mount Baker-
Snoqualmie
National
Forest.

Prohibitions.

Contracts.
State and local
governments.

Prohibitions.
Loxahatchee
National
Wildlife Refuge.
Hunting.
Prohibitions.
Hunting.

Prohibitions.
National Forest
System.
National parks,
monuments, etc.
Animals.

Report.

Secretary of the Interior to issue oil and gas leases for the subsurface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other nonsurface disturbing methods.

SEC. 308. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the committees on Appropriations and are approved by such committees.

SEC. 310. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 311. Notwithstanding any other provisions of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution, are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the suppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 313. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

SEC. 314. None of the funds provided in this Act may be used to establish new grizzly bear populations in any unit of the National Park System or the National Forest System where no verified grizzly bear population currently exists. None of the funds provided in this Act may be used for augmentation in occupied areas of grizzly bear habitat unless an augmentation plan has been developed and made available for public review and comment in full compliance with the National Environmental Policy Act by all participating federal agencies: *Provided*, That it is not intended to prohibit the preparation of proposals to augment existing grizzly bear populations in occupied grizzly bear habitat: *Provided further*, that such augmentation may be conducted only with funds specifically identified for such purpose in an agency budget justification and subsequently approved in a report accompanying an appropriation bill making appropriations for that agency, or with funds provided for through reprogramming procedures: *Provided further*,

Prohibitions.
Petroleum
and petroleum
products.
Geothermal
leasing.
Mount Baker-
Snoqualmie
National
Forest.

Prohibitions.

Contracts.
State and local
governments.

Prohibitions.
Loxahatchee
National
Wildlife Refuge.
Hunting.
Prohibitions.
Hunting.

Prohibitions.
National Forest
System.
National parks,
monuments, etc.
Animals.

Report.

That notwithstanding any other provision of law, agencies included in this Act are authorized to reimburse permittees for such reasonable expenses as may be incurred as a result of moving permitted animals from one location to another, as may be required by the permitting agency, in order to prevent harassment and attacks by grizzly bears. Such expenses are to be determined by the agency responsible for the permitted action.

SEC. 315. Notwithstanding any other provision of law, section 8336(j)(3)(A) of title 5, United States Code is amended by striking “5 years” and inserting in lieu thereof “10 years”.

96 Stat. 1998.

Aircraft and
air carriers.
Contracts.

SEC. 316. Section 317 of title III of the Act of December 30, 1982 (96 Stat. 1966), is amended by deleting the words “but before December 31, 1985”.

SEC. 317. Funds available to the Department of the Interior and the Forest Service in fiscal year 1986 for the purpose of contracting for services that require the utilization of privately owned aircraft for the carriage of cargo or freight shall be used only to contract for aircraft that are certified as air-worthy by the Administrator of the Federal Aviation Administration as standard category aircraft under 14 CFR 21.183 unless the Secretary of the contracting department determines that such aircraft are not reasonably available to conduct such services.

Prohibitions.

SEC. 318. None of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1986 by this or any other Act may be used to implement the proposed jurisdictional interchange program until enactment of legislation which authorizes the jurisdictional interchange.

Gallatin
National
Forest.
Flathead
National
Forest.
Courts, U.S.
30 USC 209.

SEC. 319. Notwithstanding any other provision of law, any lease for those Federal lands within the Gallatin and Flathead National Forests which were affected by case CV-82-42-BU of the United States District Court for the District of Montana, Butte Division, for which the Secretary has directed or assented to the suspension of operations and production pursuant to section 39 of the Act of February 25, 1920 (30 U.S.C. 184) shall be excepted from the limits on aggregate acreage set out in that Act: *Provided*, That any person, association or corporation receiving relief under this section shall bring its aggregate acreage into compliance with the provisions of the Act of February 25, 1920 (30 U.S.C. 184) within six months from the date the suspension of operation and production ends.

30 USC 201 note.

SEC. 320. The provisions of section 2(a)(2)(A) of the Mineral Lands Leasing Act of 1920 (41 Stat. 437), as amended by section 3 of the Federal Coal Leasing Amendments Act of 1976 (90 Stat. 1083) shall not take effect until December 31, 1986.

Prohibitions.
Report.
Indians.
25 USC 640d-10.

SEC. 321. (a) None of the funds available to the Bureau of Indian Affairs for the construction of housing on lands acquired pursuant to section 11 of Public Law 93-531, as amended, shall be expended until a report is submitted to the House and Senate Committees on Appropriations detailing the proposed uses of such funds on the lands acquired pursuant to section 11 of Public Law 93-531.

(b) In addition to plans for housing, the report shall include a description of other services intended to be provided including, but not limited to, water, sewers, roads, schools, and health facilities. If such services are not to be provided the report shall describe alternative services available. The report shall further identify the proposed sites to which households will be relocated, including the distance from the Joint Use Area to such sites. This report shall be submitted no later than February 15, 1986, by the Navajo and Hopi

dian Relocation Commission and shall include the views of the Secretary of the Interior on the provision of housing and roads on the new lands.

SEC. 322. Notwithstanding any other provision of law, the limitation placed on the Secretary of the Interior by the last sentence of section 319 of "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes", as enacted into law by Public Law 98-473 (98 Stat. 1837), shall remain in effect until Congress terminates otherwise.

SEC. 323. The Secretary of the Interior, acting through the Bureau of Indian Affairs and in consultation and cooperation with the Secretary of Health and Human Services and the Secretary of Education, shall develop and begin implementation of a program which provides instruction in health promotion and disease prevention to juvenile Indians enrolled in schools operated by, or on behalf of, the Bureau of Indian Affairs.

Indians.
Health and
medical care.
Schools and
colleges.

SEC. 324. Public Law 96-388, as amended (36 U.S.C. 1401 et seq.), is further amended as follows:

(1) The first sentence of section 36 U.S.C. 1401 is amended to read: "There is hereby established as an independent Federal establishment the United States Holocaust Memorial Council (hereinafter in this chapter referred to as the 'Council').";

36 USC 1401.

(2) 36 U.S.C. 1407 is amended by adding the word "invest," after the word "administer," in the first sentence, and by adding the following new sentence as the penultimate sentence: "Funds donated to and accepted by the Council pursuant to this section are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds."; and

36 USC 1407.

(3) By adding the following new sections at the end of 36 U.S.C. 1408:

"REPORT TO THE CONGRESS

"The Executive Director shall make a full report annually to the Congress of his stewardship of the authority to construct, operate, and maintain the Holocaust Museum, including an accounting of all financial transactions involving donated funds.

36 USC 1409.

"AUDIT BY THE COMPTROLLER GENERAL; ACCESS TO RECORDS

"Financial transactions of the Council, including those involving donated funds, shall be audited by the Comptroller General as requested by the Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Council, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances."

36 USC 1410.

SEC. 325. Each amount of budget authority provided in this Act, or made available in the Energy Security Reserve for the Clean Coal Technology Program, for payments not required by law, is hereby reduced by 0.6 per centum: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

(e) Such amounts as may be necessary for projects or activities provided for in the Department of Transportation and Related

10 USC 1071 *et seq.*

payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C., ch. 55), \$351,800,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, \$61,502,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, \$21,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources and foreign countries, for expenses incurred for research, development, testing, and evaluation.

OFFSHORE OIL POLLUTION COMPENSATION FUND

43 USC 1811.

For necessary expenses to carry out the provisions of title II of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372), \$1,000,000, to be derived from the Offshore Oil Pollution Compensation Fund and to remain available until expended. In addition, to the extent that available appropriations are not adequate to meet the obligations of the Fund, the Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations in such amounts and at such times as may be necessary: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs or obligations for which are in excess of \$60,000,000 in fiscal year 1986 for the "Offshore Oil Pollution Compensation Fund".

DEEPWATER PORT LIABILITY FUND

33 USC 1517.

33 USC 1517a.

For necessary expenses to carry out the provisions of section 1 of the Deepwater Port Act of 1974 (Public Law 93-627), \$1,000,000, to be derived from the Deepwater Port Liability Fund and to remain available until expended. In addition, to the extent that available appropriations are not adequate to meet the obligations of the Fund, the Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as may be necessary: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs for which are in excess of \$50,000,000 in fiscal year 1986 for the "Deepwater Port Liability Fund".

BOAT SAFETY

(LIQUIDATION OF CONTRACT AUTHORIZATION)

46 USC 1451
note.

For payment of obligations incurred for recreational boat safety assistance under Public Law 92-75, as amended, \$30,000,

Infra.

Agencies Appropriations Act, 1986, at a rate for operations and the extent and in the manner provided for in the following Act; the subsection shall be effective as if it had been enacted into law as a regular appropriations Act:

AN ACT

Department of
Transportation
and Related
Agencies
Appropriations
Act, 1986.

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1986, and for other purposes.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed \$30,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine, \$51,300,000, together with \$500,000 of unobligated balances available under this head at the beginning of the fiscal year 1986, and of which \$3,500,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this Act or any other Act may be used for business opportunities related to a mode of transportation.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, and university research and internships, to remain available until expended, \$3,500,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed \$64,500,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriation Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, \$28,000,000, to remain available until expended.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed light passenger motor vehicles for replacement only; and recreation and welfare, \$1,652,000,000, of which \$10,000,000 shall be derived from unobligated balances of "Pollution fund" and of which \$5,000,000 shall be expended from the Boat Safety Account: *Provided*, That, notwithstanding any other provision of law, of the funds available under this head \$789,800,000 shall be available for compensation and benefits of military personnel: *Provided further*, That, of the funds available under this head, not less than \$28,000,000 shall be available for drug enforcement activities: *Provided further*, That the number of aircraft on hand at any one time shall not exceed two hundred and ten, exclusive of planes and parts required to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for any or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 103 except to the extent fees are collected from yacht owners and credited to this appropriation.

14 USC 92 note.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; to remain available until September 30, 1990, \$217,300,000: *Provided*, That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further*, That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further*, That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further*, That the requirements for such written warranties shall not cover combat damage.

10 USC 2304 note.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$5,200,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and

to be derived from the Boat Safety Account and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$30,000,000 in fiscal year 1986 for recreational boating safety assistance: *Provided further*, That no obligations may be incurred for the improvement of recreational boating facilities.

FEDERAL AVIATION ADMINISTRATION

HEADQUARTERS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of providing administrative services at the headquarters location of the Federal Aviation Administration, including but not limited to accounting, budgeting, personnel, legal, public affairs, and executive direction for the Federal Aviation Administration, \$64,400,000: *Provided*, That the Secretary of Transportation is authorized to transfer appropriated funds between this appropriation and the Federal Aviation Administration appropriation for operations: *Provided further*, That this appropriation shall be neither increased nor decreased by more than 2 per centum by any such transfers: *Provided further*, That any such transfers shall be reported to the Committees on Appropriations.

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing obligation of funds for similar programs of airport and airway development or improvement; purchase of four passenger motor vehicles for replacement only, \$2,694,600,000, of which not to exceed \$446,000,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities: *Provided further*, That none of these funds shall be available for new applicants for the second career training program.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1990, \$993,000,000: *Provided*, That

there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That of the funds available under this head, \$10,000,000 shall be available for the Secretary of Transportation to enter into grant agreements with universities or colleges to conduct demonstration projects in the development, advancement, or expansion of airway science curriculum programs, and such funds, which shall remain available until expended, shall be made available under such terms and conditions as the Secretary of Transportation may prescribe, to such universities or colleges for the purchase or lease of buildings and associated facilities, instructional materials, or equipment to be used in conjunction with airway science curriculum programs.

RESEARCH, ENGINEERING AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, for research, engineering and development, in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, to be derived from the Airport and Airway Trust Fund and to remain available until expended, \$190,000,000, together with \$15,000,000 to be transferred from unobligated balances of "Facilities and equipment", of which \$3,036,412 shall be available for icing and related next generation weather radar atmospheric research to be conducted by the University of North Dakota, \$2,000,000 shall be available for the Center for Research and Training in Information-based Aviation and Transportation Management at Barry University and \$2,000,000 shall be available for the Institute for Aviation Safety Research at Wichita State University: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, \$693,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of \$925,000,000 in fiscal year 1986 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982.

OPERATION AND MAINTENANCE, METROPOLITAN WASHINGTON
AIRPORTS

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally-owned civil airports in the vicinity of the District of Columbia, including purchase of eight passenger motor vehicles for police use, for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition, \$34,100,000: *Provided*, That there may be credited to this appropriation funds received from air carriers, concessionaires, and non-federal tenants sufficient to cover utility and fuel costs which are in excess of \$6,682,000: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, or private sources, for expenses incurred in the maintenance and operation of the federally-owned civil airports.

CONSTRUCTION, METROPOLITAN WASHINGTON AIRPORTS

For necessary expenses for construction at the federally-owned civil airports in the vicinity of the District of Columbia, \$7,000,000, to remain available until September 30, 1988.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). The aggregate amount of such obligations during fiscal year 1986 shall not exceed \$75,000,000. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

49 USC app. 1324
note.

49 USC app. 1324
note.

40 Stat. 288.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration, not to exceed \$203,761,000 shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed \$48,415,000 of the amount provided herein shall remain available until expended: *Provided further*, That all unobligated amounts made available under this head in prior fiscal years for the establishment and implementation of a demonstration bonding program for economically and socially disadvantaged businesses shall remain available for such purposes until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to the account funds received from States, counties, municipalities, other public authorities and private sources, for training expenses incurred for non-federal employees: *Provided further*, That none of the funds provided in this Act shall be used for the approval of, or to pay the salary of any person who approves projects to construct a landfill in the Hudson River as part of an Interstate System highway in New York City.

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

(HIGHWAY TRUST FUND)

For necessary expenses in carrying out provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended \$8,500,000.

HIGHWAY-RELATED SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

98 Stat. 436.

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, \$9,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed \$100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$10,000,000 in fiscal year 1986 "Highway-related safety grants".

HIGHWAY BEAUTIFICATION

Funds appropriated and obligated to carry out sections 131 and 136 of title 23, United States Code, which have been deobligated subsequent to enactment of this Act shall remain available until expended.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, \$16,000,000, of which \$10,666,667 shall be derived from the Highway Trust Fund: *Provided*, That the unobligated balance of funds appropriated in Public Law 93-98 for Wheeling, West Virginia, is hereby made available for allocation to carry out highway projects on the Federal-aid system in Wheeling, West Virginia at full federal expense.

23 USC 130 note.

87 Stat. 329.

FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 8, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, \$3,836,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$12,750,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1986, except that this limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code, obligations under section 157 of title 23, United States Code, projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, or section 320 of title 40, United States Code.

23 USC 104 note.

46 USC 144 note.
95 Stat. 1701.
96 Stat. 2119.
40 USC 818.

RIGHT-OF-WAY REVOLVING FUND (LIMITATION ON DIRECT LOANS) (HIGHWAY TRUST FUND)

During fiscal year 1986 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$50,000,000.

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), \$13,900,000, of which \$953,000 shall remain available until expended, and not to exceed \$1,601,000 shall be available for "Limitation on general operating expenses".

49 USC app. 1651 note.

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

For necessary expenses to carry out provisions of section 402 of Public Law 97-424, \$17,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1989.

49 USC app. 2302.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LANDS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of certain access highway projects, authorized by section 155, title 23, United States Code, to remain available until expended, \$10,000,000, of which \$5,000,000 shall be derived from unobligated balances of "Research, training, and human resources".

BALTIMORE-WASHINGTON PARKWAY

(HIGHWAY TRUST FUND)

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970, for the Baltimore-Washington Parkway, to remain available until expended, \$3,000,000 to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary: *Provided*, That, notwithstanding subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 and any agreement entered into under such subsection, the Secretary of the Interior shall not be required to convey to the State of Maryland any portion of the Baltimore-Washington Parkway located in the State of Maryland, and the State of Maryland shall not be required to accept conveyance of any such portion: *Provided further*, That funds authorized by such section may be expended without regard to the requirement of such an agreement that such portion of the Baltimore-Washington Parkway be conveyed to the State of Maryland.

23 USC 101 note.

84 Stat. 1739.

WASTE ISOLATION PILOT PROJECT ROADS

For necessary expenses in connection with the upgrading of certain highways for the transportation of nuclear waste generated during defense-related activities, not otherwise provided for, \$7,000,000, to remain available until expended.

RAIL LINE CONSOLIDATION PROJECT

(TRANSFER OF FUNDS)

For necessary expenses to carry out a project to consolidate rail lines on a common alignment in the vicinity of Orange, Texas, that demonstrates methods by which a rail line consolidation project will reduce motor vehicle traffic congestion and increase employment, to remain available until expended, \$4,000,000 to be derived from unobligated balances of "Research, training, and human resources".

AIRPORT-HIGHWAY DEMONSTRATION PROJECT

(TRANSFER OF FUNDS)

For necessary expenses to carry out a highway project to depress a highway in Shawnee, Oklahoma, that demonstrates methods of improving air service to a small community by extension of a runway over a depressed road, to remain available until expended.

350,000 to be derived from unobligated balances of "Research, training, and human resources".

EXPRESSWAY GAP CLOSING DEMONSTRATION PROJECT

For necessary expenses to carry out a highway construction project along State Route 113 in north-central California that demonstrates methods of reducing motor vehicle congestion and increasing employment, there is authorized to be appropriated \$23,500,000, to remain available until expended, of which \$9,000,000 is hereby appropriated: *Provided*, That such funds shall be exempt from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-303, as amended), \$88,851,000, of which \$5,000,000 shall be derived from unobligated balances of "Research, training, and human resources", and of which \$29,894,000 shall be derived from the Highway Trust Fund: *Provided*, That not to exceed \$36,296,000 shall remain available until expended, of which \$14,833,000 shall be derived from the Highway Trust Fund: *Provided further*, That, of the funds available under this head, \$10,000,000 shall be available to implement the recommendations of the 1985 National Academy of Sciences report on trauma research: *Provided further*, That for the purpose of carrying out a national program to encourage the use of automobile passive restraints as authorized by 23 U.S.C. 403, an additional \$500,000 is available to be derived from unobligated balances of "Carpool and vanpool projects".

15 USC 1901
note.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 406 and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, \$149,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of \$26,500,000 in fiscal year 1986 for "State and community highway safety" authorized under 23 U.S.C. 402: *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of \$8,800,000 for "Alcohol safety incentive grants" authorized under

98 Stat. 436.
23 USC 401 note.

98 Stat. 436.

98 Stat. 436.

23 USC 401 note.

98 Stat. 436.

23 U.S.C. 408: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs authorized by section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of \$5,000,000 in fiscal years 1984, 1985, and 1986: *Provided further*, That not to exceed \$5,000,000 shall be available for administering the provisions of 23 U.S.C. 408.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration not otherwise provided for, \$10,120,000.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, \$27,764,000, of which \$1,500,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$10,600,000, to remain available until expended.

RAIL SERVICE ASSISTANCE

49 USC app.
1654.

40 USC 801 note.

45 USC 661 note.

45 USC 721.

49 USC app.
1654.

For necessary expenses for rail service assistance authorized under section 5 of the Department of Transportation Act, as amended, Washington Union Station, as authorized by Public Law 97-125, and for necessary administrative expenses in connection with federal rail assistance programs not otherwise provided for, \$20,200,000, remain available until expended: *Provided*, That none of the funds provided under this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That none of the funds provided under this Act shall be available for the acquisition, sale or transfer of real property at Washington Union Station without the prior approval of the House of Representatives and Senate Committees on Appropriations: *Provided further*, That of the funds available under this head, \$15,000,000 shall be available for allocation to the States under section 5(h)(2) of the Department of Transportation Act, as amended: *Provided further*, That, notwithstanding any other provision of law, a State may not apply for fiscal year 1986 funds available under section 5(h)(2) until such State has expended all funds granted to it in the fiscal years prior to the beginning of fiscal year 1981, other than funds not expended due to pending litigation: *Provided further*, That a State denied funding for any reason of the immediately preceding proviso may still apply for and receive funds for planning purposes: *Provided further*, That, notwithstanding any other provision of law, of the funds available under section 5(h)(2), \$10,000,000 shall be made available for allocation to the States under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of the Department of Transportation Act, as amended, notwithstanding the limitations set forth in section 5(h)(3)(B)(ii).

CONRAIL LABOR PROTECTION

Such sums as may be necessary shall be made available for necessary expenses of administration of section 701 of the Regional Rail Reorganization Act of 1973 by the Railroad Retirement Board. 45 USC 797.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.), \$12,500,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, the provisions of Public Law 85-804 shall apply to the Northeast Corridor Improvement Program: *Provided further*, That the Secretary may waive the provisions of 23 U.S.C. 322 (c) and (d) if such action would serve a public purpose: *Provided further*, That all public at grade-level crossings remaining along the Northeast Corridor upon completion of the project shall be equipped with protective devices including gates and lights. 45 USC 851 note.
50 USC 1431-1435.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(INCLUDING TRANSFERS OF FUNDS)

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565, to remain available until expended, \$616,000,000, of which \$23,000,000 shall be derived from unobligated balances of "Conrail labor protection" and \$5,500,000 shall be derived from unobligated balances of "Rail labor assistance" as of September 30, 1985: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1986: *Provided further*, That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements prohibited by this Act or not expressly provided for in an appropriation Act shall be deemed a violation of 31 U.S.C. 1341: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That none of the funds in this or any other Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-federal sources: *Provided further*, That, notwithstanding any other provision of law, the National Railroad

Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that the revenues from such service have covered or exceeded 80 per centum of the short term avoidable costs of operating such service in the first year of operation and 100 per centum of the short term avoidable operating costs for each year thereafter: *Provided further*, That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of the line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvement shall be derived from non-Amtrak sources.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

45 USC 831-833. The total commitments to guarantee new loans pursuant to sections 511 through 513 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, shall not exceed \$4,000,000 of contingent liabilities for loan principal during fiscal year 1986: *Provided*, That the Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act: *Provided further*, That such authority to exist as long as any such guaranteed obligation is outstanding: *Provided further*, That the aggregate amount of such notes or other obligations during fiscal year 1986 shall not exceed \$100,000,000.

REDEEMABLE PREFERENCE SHARES

45 USC 822, 825-827, 829. Notwithstanding any other provision of law, the Secretary of Transportation is hereby authorized to expend proceeds from the sale of fund anticipation notes to the Secretary of the Treasury and any other moneys deposited in the Railroad Rehabilitation and Improvement Fund pursuant to sections 502, 505-507, and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, and section 803 of Public Law 95-620, for the uses authorized for the Fund, in amounts not to exceed \$33,500,000.

CONRAIL COMMUTER TRANSITION ASSISTANCE

(TRANSFER OF FUNDS)

For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, \$5,000,000 to be derived from unobligated balances of "Research, training, and human resources" and to remain available until expended.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$30,000,000, of which not to exceed \$650,000 shall be available for the Office of the Administrator.

49 USC app. 1601
note.
23 USC 101 et
seq.

RESEARCH, TRAINING, AND HUMAN RESOURCES

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, \$17,400,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities and private sources, for expenses incurred for training.

49 USC app. 1601
note.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), \$2,150,000,000, to remain available until expended.

49 USC app.
1607a, 1614.

DISCRETIONARY GRANTS

None of the funds in this Act shall be available for the implementation or execution of programs in excess of \$1,045,500,000 in fiscal year 1986 for grants under the contract authority authorized in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

49 USC app.
1617.

LIQUIDATION OF CONTRACT AUTHORIZATION

For payment of obligations incurred in carrying out section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, \$775,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

49 USC app.
1617.

INTERSTATE TRANSFER GRANTS—TRANSIT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, to remain available until September 30, 1987, \$218,750,000, of which \$18,750,000 shall be derived from unobligated balances of "Research, training, and human resources".

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, \$227,000,000, to remain available until expended.

93 Stat. 1320.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

31 USC 9104.

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$1,916,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed \$3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided*, That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and \$15,000 shall be available for services as authorized by 5 U.S.C. 3109.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION**RESEARCH AND SPECIAL PROGRAMS**49 USC app.
1674.

For expenses necessary to discharge the functions of the Research and Special Programs Administration, for expenses for conducting research and development and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674), \$19,300,000, of which \$6,975,000 shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL**SALARIES AND EXPENSES**

5 USC app.

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$27,600,000.

TITLE II—RELATED AGENCIES**ARCHITECTURAL AND TRANSPORTATION BARRIERS
COMPLIANCE BOARD****SALARIES AND EXPENSES**98 Stat. 28.
29 USC 792.

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$1,975,000.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$22,300,000, of which not to exceed \$500 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed \$1,500 for official reception and representation expenses, \$50,480,000, of which \$2,300,000 shall be derived from unobligated balances of "Payments for directed rail service": *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

49 USC 10344
note.

PAYMENTS FOR DIRECTED RAIL SERVICE

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed \$1,000,000 for directed rail service authorized under 49 U.S.C. 11125 or any other legislation.

PANAMA CANAL COMMISSION

OPERATING EXPENSES

For operating expenses necessary for the Panama Canal Commission, including hire of passenger motor vehicles and aircraft; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed \$10,000 for official reception and representation expenses of the Board; operation of guide services; residence for the Administrator; disbursements by the Administrator for employee and community projects; not to exceed \$1,000 for official reception and representation expenses of the Secretary; not to exceed \$25,000 for official reception and representation expenses of the Administrator; and to employ services as authorized by law (5 U.S.C. 3109); \$400,284,000, to be derived from the Panama Canal Commission Fund: *Provided*, That there may be credited to this appropriation funds received from the Panama Canal Commission's capital outlay account for expenses incurred for supplies and services provided for capital projects.

CAPITAL OUTLAY

For acquisition, construction, replacement, and improvement of facilities, structures, and equipment required by the Panama Canal Commission, including the purchase of not to exceed forty-four

passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama, the purchase price of which shall not exceed \$14,000 per vehicle); to employ services authorized by law (5 U.S.C. 3109); \$25,500,000 to be derived from the Panama Canal Commission Fund and to remain available until expended.

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, a section 803 of Public Law 95-620, of fund anticipation notes, \$33,500,000.

45 USC 829.
45 USC 822 note,
821, 822, 825.

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, as amended, to remain available until expended, \$2,400,000, of which not to exceed \$500,000 may be available for official reception and representation expenses.

45 USC 701 note.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, \$51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

93 Stat. 1320.

TITLE III—GENERAL PROVISIONS

Aircraft and
air carriers.
Motor vehicles.
Insurance.

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds appropriated for the Panama Canal Commission may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341), to the extent necessary to permit payment of such pay increases for officers or employees who may be authorized by administrative action pursuant to law who are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

Education.
20 USC 241 note.

SEC. 303. Funds appropriated under this Act for expenditures of the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 1401-1402).

236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds appropriated in this Act for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

TIAS 10029.

SEC. 306. None of the funds provided in this Act may be used for planning or construction of rail-highway crossings under section 322(a) of title 23, United States Code, or under section 701(a)(5) or section 703(1)(A) of the Railroad Revitalization and Regulatory Reform Act of 1976 at the—

Prohibitions.
Connecticut.

(1) School Street crossing in Groton, Connecticut; and

(2) Broadway Extension crossing in Stonington, Connecticut.

45 USC 851, 853.

SEC. 307. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Prohibitions.

SEC. 308. None of the funds in this Act shall be used to assist, directly or indirectly, any State in imposing mandatory State inspection fees or sticker requirements on vehicles which are lawfully registered in another State, including vehicles engaged in interstate commercial transportation which are in compliance with Part 396—Inspection and Maintenance of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation.

Prohibitions.
Motor vehicles.

SEC. 309. None of the funds contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Prohibitions.

SEC. 310. Notwithstanding any other provision of law, total amounts of contract authority authorized for fiscal year 1986 in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, shall be available for obligation through fiscal year 1989.

49 USC app.
1617.

SEC. 311. None of the funds in this or any other Act shall be available for the planning or implementation of any change in the current federal status of the Transportation Systems Center.

SEC. 312. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Contracts.

SEC. 313. (a) For fiscal year 1986 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated

Highways.
23 USC 104 note.

for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bear the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1985, each State shall obligate more than 40 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned to a State, except in those instances in which the State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1986, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses and the Federal Lands Highway Programs.

23 USC 101 note.
23 USC 101 note.

Prohibitions.

SEC. 314. None of the funds in this Act shall be available for salaries and expenses of more than one hundred thirty-eight persons appointed in the Department of Transportation.

SEC. 315. Not to exceed \$1,700,000 of the funds provided in this Act for the Department of Transportation shall be available for necessary expenses of advisory committees.

Highways.
Bridges.

SEC. 316. The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1986 shall not apply to obligations for the remaining approach and bridge removal work necessary to complete the new bridge alignment at the Zilwaukee Bridge.

49 USC app.
1604.

SEC. 317. (a) Section 5(b)(2) of the Urban Mass Transportation Act of 1964 is amended by inserting after the first sentence the following new sentence: "Any funds apportioned for fiscal year 1982 or 1983 under subsection (a) for expenditure in an urbanized area with a population of less than 200,000 may be expended in an urbanized area with a population of 200,000 or more."

(b) Section 5(c)(4) of the Urban Mass Transportation Act of 1964 is amended by striking the period at the end of the first sentence, inserting the following: "except that any fiscal year 1982 funds made available to a Governor under section 5(b)(2) of the Urban Mass Transportation Act of 1964, as amended, that are unobligated as of October 1, 1985, or become unobligated thereafter, shall remain available for expenditure under section 5 until October 1, 1986."

49 USC app.
1607a note.

SEC. 318. Notwithstanding any other provision of law, within 90 days of the effective date of this Act the Urban Mass Transportation

Administration shall reapportion under section 9 of the Urban Mass Transportation Act of 1964, as amended, those funds available for apportionment pursuant to subsection (c)(4) of section 5 of that Act.

49 USC app.
1607a.
49 USC app.
1604.
Prohibitions.
Michigan.

SEC. 319. None of the funds in this or any other Act shall be made available for the proposed Woodward light rail line in the Detroit, Michigan, area until a source of operating funds has been approved in accordance with Michigan law: *Provided*, That this limitation shall not apply to alternatives analysis studies under section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended.

49 USC app.
1617.
Contracts.

SEC. 320. The Secretary of Transportation shall enter into negotiations for full funding contracts with the appropriate local governmental authorities to construct (1) the minimum operable segment, MOS-1, of the downtown Los Angeles to San Fernando Valley Metro Rail project; (2) the north and south legs of the downtown component of metrorail in Dade County, Florida; and (3) the downtown transit project (bus tunnel) in Seattle, Washington: *Provided*, That the Secretary shall commence negotiations with appropriate local authorities to enter into such contracts no later than 30 days after enactment and shall conclude such negotiations no later than 90 days after enactment: *Provided further*, That such contracts shall cover total project costs including federal financial participation consisting of fiscal year 1984 and fiscal year 1985 discretionary grants funding made available pursuant to section 331 of this Act, fiscal year 1986 discretionary grants funding in accordance with the accompanying Joint Explanatory Statement of the Managers, and future funding as made available by the Congress.

SEC. 321. The Urban Mass Transportation Administration shall enter into a contract with the Southern California Rapid Transit District to conduct a study of the potential methane gas risks relating to the proposed alignment of the Metro Rail project beyond the Minimum Operable Segment, MOS-1. None of the funds described in section 320 may be made available for any segment of the downtown Los Angeles to San Fernando Valley Metro Rail project unless and until the Southern California Rapid Transit District officially notifies and commits to the Urban Mass Transportation Administration that no part of the Metro Rail project will tunnel into or through any zone designated as a potential risk zone or high potential risk zone in the report of the City of Los Angeles dated June 10, 1985, entitled "Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area". Funds for this study, in an amount not to exceed \$1,000,000, shall be made available from funds previously allocated for the MOS-1 project, commencing within 30 days of enactment.

Contract.
California.
Railroads.

Prohibitions.

SEC. 322. The limitation on obligations for the Discretionary Grants Program of the Urban Mass Transportation Administration shall not apply to any authority under section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation.

49 USC app.
1617 note.

SEC. 323. (a) Notwithstanding any other provision of law, the Secretary of Transportation may use not to exceed one-half of 1 percent of—

49 USC app.
1617.

Contracts.

(1) the funds made available for fiscal year 1986 by section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, to carry out section 3 of such Act to contract with any

49 USC app.
1602.

person to oversee the construction of any major project under such section;

49 USC app.
1617.
49 USC app.
1607a.

(2) the funds appropriated for fiscal year 1986 pursuant to section 21(a)(1) of the Urban Mass Transportation Act of 1964, as amended, to carry out section 9 of such Act to contract with any person to oversee the construction of any major project under such section;

49 USC app.
1614.

(3) the funds appropriated for fiscal year 1986 pursuant to section 21(a)(1) of the Urban Mass Transportation Act of 1964, as amended, to carry out section 18 of such Act to contract with any person to oversee the construction of any major project under such section;

49 USC app.
1603.

(4) the funds appropriated for fiscal year 1986 pursuant to section 4(g) of the Urban Mass Transportation Act of 1964, as amended, to contract with any person to oversee the construction of any major public transportation project substituted for an Interstate segment withdrawn under section 103(e)(4) of title 23, United States Code; and

83 Stat. 320.

(5) the funds appropriated for fiscal year 1986 pursuant to the National Capital Transportation Act of 1969 to contract with any person to oversee the construction of any major project under such Act.

(b) Any contract entered into under subsection (a) shall provide for the payment by the Secretary of Transportation of 100 percent of the cost of carrying out the contract.

Effective date.

(c) This section shall take effect on October 1, 1985, and shall cease to be in effect at the close of September 30, 1986.

Bridges.
Motor vehicles.
New York.

SEC. 324. (a) GENERAL RULE.—Tolls collected for motor vehicles on any bridge connecting the borough of Brooklyn, New York, and Staten Island, New York, shall only be collected for those vehicles exiting from such bridge in Staten Island.

(b) ENFORCEMENT.—The Secretary shall withhold 1 percent of the amount required to be apportioned to the State of New York under sections 104 and 144 of title 23, United States Code, on the first day of the fiscal year succeeding any fiscal year in which tolls collected for motor vehicles on the bridge referred to in subsection (a) are collected for those vehicles exiting from such bridge in the borough of Brooklyn.

Federal
Register,
publication.

(c) PERIOD OF APPLICABILITY.—This section shall apply on and after the 90th day following the date of enactment of this section, except that this section shall not apply after the date on which the Secretary publishes in the Federal Register a determination under subsection (d).

(d) REMOVAL OF LIMITATION.—

(1) DETERMINATION OF SECRETARY.—Subsections (a) and (b) shall cease to be in effect if, upon petition by the Governor of New York under paragraph (2), the Secretary determines that—

(A) a substantial loss of revenues has resulted from the limitation imposed by subsection (a), or

(B) such limitation has resulted in significant traffic problems,

and the Secretary publishes such determination in the Federal Register.

(2) PETITION.—The Governor of New York may petition the Secretary for a determination under paragraph (1) at any time after a period of six consecutive months in which tolls collected for motor vehicles on the bridge referred to in subsection (a)

have been collected only for those vehicles exiting from such bridge in Staten Island.

SEC. 325. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may conduct a demonstration project for a period not to exceed two years in order to determine the effects on the National System of Interstate and Defense Highways located in Wyoming of the use of such highways by vehicles in excess of 30,000 pounds gross weight but meeting axle and bridge formula specifications in section 127 of title 23, United States Code.

Wyoming.
Highways.

SEC. 326. Section 18(e) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "For the purpose of this subsection, the term 'Federal funds or revenues' does not include funds received by a recipient of funds under this section pursuant to a service agreement with a State or local social service agency or a private social service organization."

49 USC app.
1614.

SEC. 327. Section 119(d), 23 U.S.C. is amended by adding at the end of such section: "Notwithstanding any other provision of law, and for the purposes of this subsection, the phrase 'segments of the interstate system open to traffic' shall include a proposed four-lane, limited access highway, 6.4 miles in length, the construction of which will relocate to a southern alignment a portion of an existing interstate highway which was originally built without the aid of funds authorized by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, and which connects to the east with an interstate highway on which tolls are charged. The construction of the proposed highway shall include a bridge over the Monongahela River."

Highways.

23 USC 101 note.

SEC. 328. (a) Title XI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1501 et seq.) is amended by adding at the end thereof the following:

"AERONAUTICAL CHARTS AND MAPS

"SEC. 1118. Notwithstanding the provisions of section 1341 of title 31, United States Code, or any other provision of law, the United States Government shall enter into agreements to indemnify any person who publishes a chart or map for use in aeronautics from any claim, or portion of a claim, which arises out of such person's depiction on such chart or map of any defective or deficient flight procedure or airway, if such flight procedure or airway was—

Claims.
49 USC app.
1519.

- "(1) promulgated by the Federal Aviation Administration;
- "(2) accurately depicted on such chart or map; and
- "(3) not obviously defective or deficient."

(b) The table of contents of the Federal Aviation Act of 1958 is amended by inserting immediately after the item relating to section 1117 the following:

"Sec. 1118. Aeronautical charts and maps."

SEC. 329. Notwithstanding section 108(b) of the Federal-Aid Highway Act of 1956, sums appropriated to the State of New York under 23 U.S.C. 104(b)(5)(A) during the fiscal year ending September 30, 1986, may be obligated for Interstate construction projects under section 108(b) of the Federal-Aid Highway Act of 1956 or for Interstate substitute highway projects under 23 U.S.C. 103(e)(4): *Provided*, That the withdrawal value for New York under 23 U.S.C. 103(e)(4) shall be reduced by the amounts obligated hereunder for Interstate highway substitute projects. The federal share of the cost to complete any such Interstate substitute highway projects to which this

New York.
Highways.
23 USC 101 note.

Expiration date.
Prohibitions.
Michigan.

provision applies shall be 85 per centum. In carrying out this provision the State of New York and the Secretary of Transportation shall assign highest priority to the completion of Interstate construction projects. This section shall expire on October 1, 1990.

SEC. 330. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan: *Provided*, That the immediately preceding provision shall not apply to \$10,000,000 apportioned to the Department of Transportation.

SEC. 331. The Congress disapproves the proposed deferral D86-1000 pertaining to the Urban Mass Transportation Administration, as set forth in the message of October 1, 1985, which was transmitted to the Congress by the President. This disapproval shall be effective upon enactment into law of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

SEC. 332. Section 201 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 711) is amended—

(1) in the first sentence of paragraph (2) of subsection (d) inserting “freight” before “railroad”; and

(2) in the first sentence of subsection (e) by striking out “1987” and inserting in lieu thereof “1987”.

Maine.
New Hampshire.

SEC. 333. The Act approved July 28, 1937 (50 Stat. 535), is amended by striking out in the first paragraph thereof, “and approach thereto” and by inserting at the end thereof “The States of Maine and New Hampshire are authorized to assume all construction, maintenance, and operational authority over the approach roads and grade separation structures in their respective areas. As provided in Maine Private and Special Law, Chapter 38, 1985, and New Hampshire Statutes, Chapter 415, 1985, the respective States shall require the Authority to provide Authority funds for capital improvements.”.

SEC. 334. Notwithstanding any other provision of law, the first sentence of section 125(b) of title 23, United States Code, is amended by inserting after “\$30,000,000” the following: “(\$55,000,000 for projects in connection with disasters or failures occurring in any calendar year 1985)”.

Federal
Register,
publication.
Florida.

SEC. 335. Notwithstanding any other provision of law or regulation, the Secretary of Transportation shall, within 30 days after enactment of this section, issue in the Federal Register a Notice of Intent to prepare an environmental impact statement for the construction of the north and south legs of the downtown component of metrorail in Dade County, Florida: *Provided*, That the absence of a federally-approved environmental impact statement for the project shall not preclude or delay the negotiations required under section 320 of this Act.

Ante, p. 1268.

This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 1986”.

Ante, p. 1102.

(f) Such amounts as may be necessary for programs, projects, and activities provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1986 (H.R. 3424), to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference in the form in which that conference report was adopted by the House of Representatives on December 5, 1985, as if enacted into law, and that report shall be considered to include

nate Amendment Numbered 188 as amended by the House of representatives.

(g) For the purposes of Sec. 252(a)(6)(D)(i)(II) of Public Law 99-177, the section of the Statement of the Managers entitled "Definition of Program, Project, and Activity as provided by Public Law 99-177, the Balanced Budget and Emergency Deficit Control Act of 1985" shall be considered to be the reports filed by the Committees on Appropriations for the purpose of defining "Program, Project, and Activity".

Ante, p. 1072.

(h) Such amounts as may be necessary for programs, projects, or activities provided for in the Treasury, Postal Service, and General Government Appropriations Act, 1986 (H.R. 3036), to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report 99-349) as passed by the House of Representatives and the Senate on November 7, 1985, as if enacted into law except that such conference report shall be considered as not including Senate Amendment Numbered 83 as amended by the Conferees: *Provided*, that appropriations made by this joint resolution for the following amounts shall not exceed: \$1,065,000,000 for "Internal Revenue Service, processing tax returns"; \$1,419,451,000 for "Internal Revenue Service, examinations and appeals"; and \$748,000,000 for "Payment to the Postal Service Funds".

(i) Such amounts as may be necessary for projects or activities provided for in the Foreign Assistance and Related Programs Appropriations Act, 1986, at a rate for operations and to the extent in the following Act; this subsection shall be effective as if it had been enacted into law as the regular appropriation Act:

Post, p. 1315.

AN ACT

making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1986, and for other purposes, namely:

Foreign Assistance and Related Programs Appropriations Act, 1986.

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, \$9,720,549 for the General Capital Increase, as authorized by section 39 of the Bretton Woods Agreements Act, as amended (Public Law 79-171), to remain available until expended: *Provided*, that no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of

22 USC 286e-1h.

title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed \$1,353,220,096.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$700,000,000, for the second installment of the United States contribution to the seventh replenishment shall remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE SPECIAL FACILITY FOR SUB-SAHARAN AFRICA

For payment to the Special Facility for Sub-Saharan Africa by the Secretary of the Treasury, \$75,000,000, to remain available until expended: *Provided*, That funds made available under this heading shall be paid to the Special Facility for Sub-Saharan Africa no later than December 31, 1985.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, \$29,077,390, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase in the resources of the Fund for Special Operations, \$40,000,000, to remain available until expended; and \$38,000,983 for the United States share of the increase in paid-in capital stock to remain available until expended; and \$11,700,000 for the United States share of the capital stock of the Inter-American Investment Corporation to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV

the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director for the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed \$1,230,964,704.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, \$11,909,408 to remain available until expended; and for the United States contribution to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), \$100,000,000 to remain available until expended: *Provided*, That none of the funds provided by the United States to the Asian Development Bank may be made available if the Republic of China (Taiwan) is denied any of the rights and privileges of full membership in the Asian Development Bank: *Provided further*, That no such payment may be made while the United States Director of the Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

22 USC 285 note.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed \$226,230,498.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, \$62,250,000, for the United States contribution to the fourth replenishment of the African Development Fund, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, \$16,188,910, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an

individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$48,564,032.

PARTICIPATION IN INTERNATIONAL FINANCIAL INSTITUTIONS

22 USC 284q and
note, 290g-13;
286e-1j.
22 USC 282j.

(a) Titles I, II, and III of H.R. 2253 as reported on May 15, 1985 and section 3 of H.R. 1948 as introduced April 3, 1985, are hereby enacted.

(b) Section 102 of H.J. Res. 465 shall not apply with respect to the provisions enacted by this paragraph.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

22 USC 2221;
ante, p. 270.

For necessary expenses to carry out the provisions of sections 3 and 103(g) of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1983, \$277,922,475: *Provided*, That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further*, That the total amount of funds made available by this paragraph shall be available only as follows: \$148,500,000 for the United Nations Development Program; \$48,150,000 for the United Nations Children's Fund; \$1,900,000 for the World Food Program; \$900,000 for the United Nations Capital Development Fund; \$250,000 for the United Nations Voluntary Fund for the Decade for Women; \$1,282,500 for the International Convention and Scientific Organization Contributions; \$1,800,000 for the World Meteorological Organization Voluntary Cooperation Program; \$17,715,000 for the International Atomic Energy Agency; \$9,000,000 for the United Nations Environment Program; \$900,000 for the United Nations Educational and Training Program for South Africa; \$1,429,975 for the United Nations Development Program Trust Fund to Combat Poverty and Hunger in Africa; \$225,000 for the United Nations Institute for Namibia; \$180,000 for the Convention on International Trade in Endangered Species; \$250,000 for the World Heritage Fund; \$90,000 for the United Nations Voluntary Fund for Victims of Torture; \$225,000 for the United Nations Fellowship Program; \$400,000 for the Center on Human Settlements; \$14,725,000 for the Organization of American States; and \$30,000,000 for the International Fund for Agricultural Development (except that the funds provided by this paragraph for the International Fund for Agricultural Development shall not be made available to such organization until a budget request has been received by the Congress and the United States has entered into an agreement to participate in the second replenishment of the organization and, notwithstanding sections 451, 492(b), or 614 of the Foreign Assistance Act of 1961, or any other provision of law, such funds may be made available only

22 USC 2261,
2292a; *ante*, p.
206.

the second replenishment of the International Fund for Agricultural Development, except that to the extent that these funds cannot be so utilized, they shall revert to the Treasury as miscellaneous receipts).

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1986, unless otherwise specified herein, as follows:

22 USC 2151
note.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agriculture, rural development and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, \$699,995,900: *Provided*, That not less than \$5,000,000 shall be provided for new development projects of private entities and cooperatives utilizing surplus dairy products: *Provided further*, That not less than \$8,000,000 shall be provided for the Vitamin A Efficiency Program.

22 USC 2151a.

Population, Development Assistance: For necessary expenses to carry out the provisions of section 104(b), \$250,000,000: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to a health care provider, information about access to, a broad range of family planning methods and services: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act. Health, Development Assistance: For necessary expenses to carry out the provisions of section 104(c), \$200,824,200: *Provided*, That not less than \$12,500,000 shall be provided for child survival programs and activities.

22 USC 2151b.

Child Survival Fund: For necessary expenses to carry out the provisions of section 104(c)(2), \$25,000,000.

Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of section 105, \$169,949,700: *Provided*, That of this amount not less than \$4,000,000 shall be made available only for the International Student Exchange Program.

Ante, p. 279.

Energy and selected development activities, Development Assistance: For necessary expenses to carry out the provisions of section 106, \$174,358,930: *Provided*, That not less than \$5,000,000 shall be made available only for cooperative projects among the United States, Israel and developing countries: *Provided further*, That up to \$2,280,000 may be made available for hybrid poplar energy farming in Nepal: *Provided further*, That up to \$1,200,000 may be made

22 USC 2151d.

available for the establishment of a land use management system Costa Rica if requested by the Government of Costa Rica.

22 USC 2151a-
2151d.

Central America Development Assistance: Of the funds appropriated to carry out the provisions of sections 103 through 106, more than \$250,000,000 shall be available for Central America except as provided through the regular notification process of the Committees on Appropriations.

22 USC 2151u
note.

Private and Voluntary Organizations: None of the funds appropriated or otherwise made available in this Act for development assistance may be made available after January 1, 1986, to a United States private and voluntary organization, except any operative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in Title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 96-473) shall be superseded by the provisions of this section.

22 USC 2151u.

98 Stat. 1887.

Science and technology, Development Assistance: For necessary expenses to carry out the provisions of section 106, \$10,790,000.

22 USC 2151d.

22 USC 2151f.

Private sector revolving fund: For necessary expenses to carry out the provisions of section 108 of the Foreign Assistance Act of 1961, as amended, not to exceed \$18,000,000 to be derived by transfer from funds appropriated to carry out the provisions of chapter 1 of part I of such Act, to remain available until expended. During fiscal year 1986, obligations for assistance from amounts in the revolving fund account under section 108 shall not exceed \$18,000,000.

22 USC 2151.

Loan allocation, Development Assistance: In order to carry out the provisions of part I, the Administrator of the Agency responsible for administering such part may furnish loan assistance pursuant to existing law and on such terms and conditions as he may determine: *Provided*, That to the maximum extent practicable, loans to private sector institutions, from funds made available to carry out the provisions of sections 103 through 106, shall be provided at or near the prevailing interest rate paid on Treasury obligations of similar maturity at the time of obligating such funds: *Provided further*, That amounts appropriated to carry out the provisions of chapter 1 of part I which are provided in the form of loans shall remain available until September 30, 1987.

22 USC 2151a-
2151d.

22 USC 2151.

American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, \$35,000,000.

22 USC 2174.

22 USC 2292.

International disaster assistance: For necessary expenses to carry out the provisions of section 491, \$22,500,000, to remain available until expended.

22 USC 2151s.

Sahel development program: For necessary expenses to carry out the provisions of section 121, \$80,500,000, to remain available until expended: *Provided*, That no part of such appropriation may be available to make any contribution of the United States to the Sahel development program in excess of 10 percent of the total contributions to such program.

22 USC 3901
note.

Payment to the Foreign Service Retirement and Disability Fund: For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1950, \$43,122,000.

22 USC 2427.

Operating expenses of the Agency for International Development: For necessary expenses to carry out the provisions of section

\$376,350,000: *Provided*, That not more than \$20,000,000 of this amount shall be for Foreign Affairs Administrative Support: *Provided further*, That except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 per centum of the aggregate of the funds made available for the fiscal year 1986 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5) (B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women: *Provided further*, That not less than \$2,500,000 shall be used to carry out the purposes of section 636(d): *Provided further*, That not less than \$1,200,000 shall be available for the International Development Intern Program: *Provided further*, That none of the funds appropriated or made available (other than funds appropriated or made available by this paragraph) pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for the operating expenses of the Agency for International Development: *Provided further*, That none of the funds in this Act may be used to relocate the Regional Inspector General's Office in Cairo to another country: *Provided further*, That after February 28, 1986, none of the funds appropriated by this paragraph shall be available for the operating expenses of the International Development Cooperation Agency. Operating expenses of the Agency for International Development Office of Inspector General: For necessary expenses to carry out the provisions of section 667, \$21,050,000, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding sections 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided*, That the full-time equivalent staff years for the Office of the Inspector General for fiscal year 1986 shall not be less than one hundred and ninety-three: *Provided further*, That up to three percent of the amount made available under the paragraph "Operating expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this paragraph.

22 USC 2151.

22 USC 2151
note.

22 USC 2396.

22 USC 2151
note.22 USC 2261,
2364.

Trade credit insurance program: During the fiscal year 1986, total commitments to guarantee or insure loans for the "Trade credit insurance program" shall not exceed \$250,000,000 of contingent liability for loan principal.

Trade and development program: For necessary expenses to carry out the provisions of section 661, \$18,900,000.

22 USC 2421.

Housing and other credit guaranty programs: During the fiscal year 1986, total commitments to guarantee loans shall not exceed \$152,000,000 of contingent liability for loan principal: *Provided*, That the President shall enter into commitments to guarantee such loans in the full amount provided by this paragraph, subject only to the availability of qualified applicants for such guarantees.

Economic support fund: For necessary expenses to carry out the provisions of chapter 4 of part II, \$3,700,000,000: *Provided*, That of

22 USC 2346.

Ante, p. 211.

22 USC 2420.

22 USC 2346c.

Ante, p. 260.

the funds appropriated under this paragraph, not less than \$1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of enactment of this Act or by October 31, whichever is later: *Provided further*, That not less than \$815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, of which not less than \$115,000,000 shall be provided as a cash transfer in accordance with the provisions of section 202 of Public Law 99-83, and not less than \$200,000,000 shall be provided as a Commodity Import Program: *Provided further*, That in the sense of the Congress that the recommended levels of assistance to Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty; and that Egypt and Israel are urged to continue their efforts to restore a full diplomatic relationship, including the appointment of ambassadors, and achieve realization of the Camp David Accords: *Provided further*, That not less than \$250,000,000 of the funds appropriated under this paragraph shall be available only for Afghanistan: *Provided further*, That any of the funds appropriated under this paragraph for El Salvador which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate account and not commingled with any other funds, except that the funds may be obligated and expended notwithstanding provisions of law, which are inconsistent with the cash transfer nature of the assistance, or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Resolution 648(H. Rept. No. 98-1159): *Provided further*, That pursuant to section 660(d) of the Foreign Assistance Act of 1961, not more than \$1,000,000 of the funds appropriated under this paragraph shall be made available to assist the Government of El Salvador's Special Investigative Unit for the purpose of bringing to justice persons responsible for the murders of United States citizens in El Salvador: *Provided further*, That a report of the investigation shall be provided to the Congress: *Provided further*, That funds appropriated under this paragraph for Mozambique may be made available for activities in support of the private sector: *Provided further*, That of the amounts made available by this paragraph for Mozambique, not more than \$5,000,000 may not be made available until a democratic election has been held in Mozambique: *Provided further*, That of the funds provided under this paragraph only \$125,000,000 shall be made available for the Philippines: *Provided further*, That of the funds appropriated or otherwise made available under this heading, not more than \$15,000,000 shall be made available only for Cyprus (except that offshore procurement must meet Agency for International Development procurement source and origin regulations): *Provided further*, That not less than \$15,000,000 of the funds provided under this paragraph shall be made available only for Ecuador, which sum shall be disbursed within thirty days of enactment of this Act: *Provided further*, That up to \$20,000,000 of the funds provided under this paragraph may be made available to carry out the Administration of Justice program pursuant to section 534 of the Foreign Assistance Act of 1961: *Provided further*, That not less than 10 percent of the funds allocated for the Human Rights Fund for Africa shall be made available in accordance with section 801 of Public Law 99-83: *Provided further*, That the obligation of funds made available under this paragraph to finance tied aid credits

subject to the regular notification procedures of the Committees Appropriations.

TRANSFER OF FUNDS

Transfer of funds: Of the unobligated funds remaining from funds appropriated for the "Economic support fund" for Lebanon in Public Law 98-63, \$22,850,000 shall be transferred as follows: (1) \$2,500,000 to the "Child Survival Fund", (2) \$5,350,000 to "International Organizations and Programs" for the United Nations Children's Fund, and (3) \$5,000,000 to "International Narcotics Control": *Provided*, That except for such transfers, amounts remaining unobligated as of September 30, 1985, from funds appropriated for the "Economic Support Fund" for Lebanon in Public Law 98-63 shall, notwithstanding sections 451, 492(b), or 614 of the Foreign Assistance Act of 1961, or any other provision of law, be made available only for Lebanon: *Provided further*, That, to the extent that these funds cannot be used to provide assistance for Lebanon, they shall revert to the Treasury as miscellaneous receipts.

97 Stat. 301.

22 USC 2261,
2292a, 2364.

RESCISSION

Deobligation and rescission of funds: \$11,200,000 of the funds remaining in the "Syria Termination Account" created by Public Law 98-151 are deobligated and are rescinded: *Provided*, That the authority contained in sections 451, 492(b), and 614 of the Foreign Assistance Act of 1961, or any other provision of law, shall not be exercised to permit the use of funds remaining in the "Syria Termination Account" created by Public Law 98-151 for any other purposes than those for which the account was created.

97 Stat. 964.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, \$3,872,000.

22 USC 290h
note.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 1 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, \$1,969,000.

22 USC 290f.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed \$35,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as

may be necessary in carrying out the program set forth in the budget for the current fiscal year.

During the fiscal year 1986 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed \$14,250,000.

During the fiscal year 1986, total commitments to guarantee loans shall not exceed \$142,500,000 of contingent liability for loan principal.

PEACE CORPS

22 USC 2501
note.

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$130,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to pay for abortions.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

22 USC 2291.

For necessary expenses to carry out the provisions of section 481, \$57,529,000.

MIGRATION AND REFUGEE ASSISTANCE

22 USC 3901
note.

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980, allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; \$338,930,000: *Provided*, That not less than \$12,500,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further*, That these funds shall be administered in a manner that ensures equity in the treatment of all refugees receiving Federal assistance: *Provided further*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to ensure against Communist infiltration in the Western Hemisphere: *Provided further*, That no more than \$8,150,396 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State: *Provided further*, That not more than \$2,500,000 of the funds appropriated under this heading shall be available for the orderly movement of overland Vietnamese refugees presently located at the Dong Ruk (Site 2) refugee camp in Thailand to a safe haven either in Thailand or in another location more directly under the control of the United States where they may be joined with other Vietnamese refugees: *Provided further*, That each of the earmarks contained in section 108 of Public Law 99-93 shall be reduced by 1.7 percent.

Ante, p. 409.

ANTI-TERRORISM ASSISTANCE

22 USC 2349aa.

For necessary expenses to carry out the provisions of chapter 8 of part II, \$7,420,000.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551, 22 USC 2348.
\$4,000,000: *Provided*, That, notwithstanding sections 451, 492(b), or
14 of the Foreign Assistance Act of 1961, or any other provision of 22 USC 2261,
law, these funds may be used only as justified in the Congressional 2292a, 2364.
Presentation Document for fiscal year 1986: *Provided further*, That,
to the extent that these funds cannot be used to provide for such
assistance, they shall revert to the Treasury as miscellaneous
receipts.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 22 USC 2311.
of the Foreign Assistance Act of 1961, including administrative
expenses and purchase of passenger motor vehicles for replacement
only for use outside of the United States, \$782,000,000: *Provided*,
That of the funds made available under this paragraph only
\$40,000,000 shall be available for the Philippines: *Provided further*,
That only \$215,000,000 shall be made available for Turkey: *Provided*
further, That the reports required by section 702 of the Inter-
national Security and Development Cooperation Act of 1985 (Public
Law 99-83) shall also be provided to the Committees on Appropria-
tions: *Provided further*, That these reports shall supersede the
reporting requirements relating to El Salvador contained in the last
proviso of the paragraph under the heading "Military Assistance"
contained in the joint resolution entitled "a joint resolution making
urgent supplemental appropriations for the fiscal year ending
September 30, 1984, for the Department of Agriculture", approved
July 2, 1984 (Public Law 98-332) and section 533 of the Foreign 98 Stat. 283.
Assistance and Related Programs Appropriations Act, 1985 (as
enacted in Public Law 98-473): *Provided further*, That not less than 98 Stat. 1837.
\$40,000,000 of the funds made available under this paragraph shall
be available only for Tunisia.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541, 22 USC 2347.
\$54,489,500.

FOREIGN MILITARY CREDIT SALES

For expenses necessary to enable the President to carry out the
provisions of section 23 of the Arms Export Control Act, 98 Stat. 1837.
\$5,190,000,000, of which not less than \$1,800,000,000 shall be avail-
able only for Israel, not less than \$1,300,000,000 shall be available
only for Egypt, and not less than \$325,000,000 shall be available only
for Pakistan: *Provided*, That if the Government of Israel requests
that funds be used for such purposes, up to \$150,000,000 of the
amount of credits made available for Israel pursuant to this para-
graph shall be available for research and development in the United
States for the Lavi program, and not less than \$300,000,000 shall be
for the procurement in Israel of defense articles and services, includ-
ing research and development, for the Lavi program and other
activities if requested by Israel: *Provided further*, That during fiscal

year 1986, gross obligations for the principal amount of direct loan exclusive of loan guarantee defaults, shall not exceed \$5,190,000,000. *Provided further*, That of the funds made available under this paragraph, only \$427,852,000 shall be available for Turkey: *Provided further*, That of the funds made available under this paragraph only \$450,000,000 shall be available for Greece: *Provided further*, That of the funds provided under this paragraph only \$15,000,000 shall be made available for the Philippines: *Provided further*, That none of the funds made available under this paragraph shall be available for Guatemala, unless the President makes the following certifications to the Congress:

(1) For Fiscal Year 1986, an elected civilian government is in power in Guatemala and has submitted a formal written request to the United States for the assistance, sales, or financing to be provided.

(2) For Fiscal Year 1986, the Government of Guatemala has demonstrated progress during the preceding year (A) in achieving control over its military and security forces, (B) toward eliminating kidnappings and disappearances, forced recruitment into the civil defense patrols, and other abuses by such forces against internationally recognized human rights, and (C) in respecting the internationally recognized human rights of its indigenous Indian population: *Provided further*, That not more than \$553,900,000 of the funds made available under this paragraph shall be available at concessional rates of interest: *Provided further*, That all country and funding level changes in request for concessional financing allocations shall be submitted through the regular notification process of the Committees on Appropriations: *Provided further*, That not less than \$27,000,000 in concessional credits shall be provided only for Tunisia.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

22 USC 2795. Not to exceed \$325,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1986.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

31 USC 9104. The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

21 UST 483.

LIMITATION ON PROGRAM ACTIVITY

During the fiscal year 1986 and within the resources and author- available, gross obligations for the principal amount of direct ns shall not exceed \$1,110,000,000: *Provided*, That during the cal year 1986, total commitments to guarantee loans shall not ceed \$12,000,000,000 of contingent liability for loan principal.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$18,357,000 (to be computed on an accrual basis) all be available during the current fiscal year for administrative penses, including hire of passenger motor vehicles and services as thorized by section 3109 of title 5, United States Code, and not to ceed \$16,000 for official reception and representation expenses for mbers of the Board of Directors: *Provided*, That (1) fees or dues to ernational organizations of credit institutions engaged in financ- g foreign trade, (2) necessary expenses (including special services rformed on a contract or a fee basis, but not including other rsonal services) in connection with the acquisition, operation, intenance, improvement, or disposition of any real or personal roperty belonging to the Export-Import Bank or in which it has an erest, including expenses of collections of pledged collateral, or e investigation or appraisal of any property in respect to which an plication for a loan has been made, and (3) expenses (other than ernal expenses of the Export-Import Bank) incurred in connec- n with the issuance and servicing of guarantees, insurance, and nsurance, shall be considered as nonadministrative expenses for e purposes of this paragraph.

TITLE V—GENERAL PROVISIONS

Sec. 501. None of the funds appropriated in this Act (other than nds appropriated for "International organizations and programs") all be used to finance the construction of any new flood control, clamation, or other water or related land resource project or ogram which has not met the standards and criteria used in etermining the feasibility of flood control, reclamation, and other ater and related land resource programs and projects proposed for nstruction within the United States of America under the prin- ciples, standards and procedures established pursuant to the Water esources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory pplementary thereto.

Prohibitions.
Flood control.
Reclamation
projects.

Sec. 502. Except for the appropriations entitled "International aster assistance", and "United States emergency refugee and gration assistance fund" not more than 15 per centum of any ropriation item made available by this Act for the current fiscal ar shall be obligated during the last month of availability.

Sec. 503. None of the funds appropriated in this Act nor any of the unterpart funds generated as a result of assistance hereunder or y prior Act shall be used to pay pensions, annuities, retirement y, or adjusted service compensation for any person heretofore or eafter serving in the armed forces of any recipient country.

Prohibitions.

Sec. 504. None of the funds appropriated or made available pursu- t to this Act for carrying out the Foreign Assistance Act of 1961, ay be used for making payments on any contract for procurement hich the United States is a party entered into after the date of

Prohibitions.
Contracts.
22 USC 2151
note.

enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

Prohibitions.
22 USC 2151
note.

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

Prohibitions.
22 USC 2169.

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed \$110,000 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed \$10,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed \$100,000 shall be for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the total funds made available by this Act under the headings "Military Assistance" and "Foreign Military Credit Sales", not to exceed \$2,500 shall be available for entertainment expenses and not to exceed \$70,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$125,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,500 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and development program", not to exceed \$2,000 shall be available for representation and entertainment allowances.

Prohibitions.
Exports.
Nuclear non-
proliferation.
22 USC 2151
note.
Human rights.

SEC. 510. None of the funds appropriated or made available (other than funds for "International organizations and programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

SEC. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

Prohibitions.
Angola.
Cambodia.
Cuba.
Iraq.
Libya.
Vietnam.
South Yemen.
Syria.

SEC. 512. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, or Syria.

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree.

Prohibitions.

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated without the written prior approval of the Appropriations Committees of both Houses of the Congress.

Prohibitions.

SEC. 515. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the paragraphs under "Agency for International Development", are, if deobligated, hereby continued available for the same period as the respective appropriations in such paragraphs for the same general purpose and for the same country as originally obligated or for activities in the Andean region: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation or reobligation of such funds.

31 USC 1501,
1108, 1502.
22 USC 2151
note.

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

Prohibitions.

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act.

Prohibitions.

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act.

Prohibitions.
Loans.

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

Prohibitions.
Banks and
banking.
Loans.

SEC. 520. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by the management of the international financial institution.

Prohibitions.
Banks and
banking.

SEC. 521. Section 620A(a) of the Foreign Assistance Act of 1961 is amended by inserting "the Export-Import Bank Act of 1945," after "the Peace Corps Act,".

22 USC 2371.

SEC. 522. None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United

Prohibitions.
Exports.
Loans.

States producers of the same, similar, or competing commodity. *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

Banks and
banking.
22 USC 262h.

SEC. 523. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance from these institutions, using funds appropriated or made available pursuant to this Act, for the production of any commodity for export, if it is in surplus on world markets and if the assistance would cause substantial injury to United States producers of the same, similar, or competing commodity.

Prohibitions.

SEC. 524. None of the funds made available under this Act for "Agriculture, rural development and nutrition, Development Assistance", "Population, Development Assistance", "Child Survival Fund", "Health, Development Assistance", "Education and human resources development, Development Assistance", "Energy and selected development activities, Development Assistance", "Science and technology, Development Assistance", "International organizations and programs", "American schools and hospitals abroad", "Sahel development program", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Antiterrorism assistance", "Military assistance", "International military education and training", "Foreign military credit sales", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of material assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

Contracts.
Public
availability.

SEC. 525. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

Prohibitions.
Abortion.

SEC. 526. None of the funds appropriated under this Act may be used to lobby for abortion.

Prohibitions.
Drugs and drug
abuse.

SEC. 527. None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1986, immediately following a certification by the President to Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the C

Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to the United States Government personnel or their dependents or from entering the United States unlawfully.

SEC. 528. Notwithstanding any other provision of law or this Act, none of the funds provided for "International organizations and programs" shall be available for the United States' proportionate share for any programs for the Palestine Liberation Organization, the Southwest African Peoples Organization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 505(f) of the Foreign Assistance Act of 1961, as amended.

SEC. 529. (a) Not later than January 31 of each year, or at the time the President transmits to the Congress of the United States the annual report on foreign assistance, whichever is earlier, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country, the amount of support by the government of each such country during the preceding twelve-month period for the foreign policy of the United States. Such report shall include, with respect to each such country which is a member of the United Nations, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of a comparison of the overall voting practices in the principal bodies of the United Nations during the preceding twelve-month period of such country and the United States, with special note of the voting and speaking records of such country on issues of major importance to the United States in the General Assembly and the Security Council, and shall include a report on actions with regard to the United States in important related documents such as the Non-Aligned Communiqué. A full compilation of the information supplied by the Permanent Representative of the United States to the United Nations for inclusion in such report shall be provided as an addendum to such report.

(b) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to a country which the President finds, based on the contents of the report required to be transmitted under section (a), is engaged in a consistent pattern of opposition to the foreign policy of the United States.

SEC. 530. Notwithstanding any other provision of law, Israel may not receive any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven or is being or will be utilizing any other loan made available under the Arms Export Control Act.

SEC. 531. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with resolution 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

98 Stat. 2071.

Prohibitions.
International
organizations.

Ante, p. 276.
President of U.S.
Reports.
22 USC 2414a.

Prohibitions.

Loans.
Israel.
22 USC 2751
note.

Palestine
Liberation
Organization.
Terrorism.
Ante, p. 280.

Defense and
national
security.
Israel.

SEC. 532. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

Prohibitions.

SEC. 533. None of the funds made available in this Act shall be restricted for obligation or disbursement solely as a result of the policies of any multilateral institution.

Prohibitions.

SEC. 534. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent act unless such act specifically so directs.

Report.

SEC. 535. The Secretary of the Treasury and the Secretary of State are directed to submit to the Committees on Foreign Affairs and the Committees on Appropriations by February 1, 1986, a report on the domestic economic policies of those nations receiving economic assistance, either directly or indirectly from the United States including, where appropriate, an analysis of the foreign assistance programs conducted by these recipient nations.

Prohibitions.
Lebanon.

SEC. 536. None of the funds appropriated or otherwise made available pursuant to this Act for "Economic Support Fund" or for "Foreign Military Credit Sales" shall be obligated or expended for Lebanon except as provided through the regular notification process of the Committees on Appropriations.

Jamaica.
Peru.
Drugs and drug
abuse.

SEC. 537. Of the funds made available by this Act for Jamaica and Peru, not more than 50 per centum of the funds made available for each country shall be obligated unless the President determines and reports to the Congress that the Governments of these countries are sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States: *Provided*, That this provision shall not be applicable to funds made available to carry out section 481 of the Foreign Assistance Act of 1961: *Provided further*, That assistance may be provided to Bolivia for Fiscal Year 1986, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

For Fiscal Year 1986—

(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation that will establish its legal coca requirements, provide for the licensing of the number of hec-

Bolivia.
Drugs and drug
abuse.
22 USC 2291.
22 USC 2311.
Ante, p. 210.
22 USC 2347.
22 USC 2761 *et*
seq.

tares necessary to produce the legal requirement, and make unlicensed coca production illegal; and

(B) the remaining amount of such assistance may be provided at any time following a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia achieved the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States.

SEC. 538. None of the funds available in this Act may be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate are notified at least fifteen days in advance in accordance with the procedures applicable to notifications.

SEC. 539. Funds provided in this Act for Guatemala may not be provided to the Government of Guatemala for use in its rural resettlement program, except through the regular notification procedures of the Committees on Appropriations.

SEC. 540. (a) The Secretary of the Treasury shall instruct the United States Executive Directors of the Multilateral Development Banks to—

(1) vigorously promote a commitment of these institutions to add or strengthen professionally trained staff to undertake environmental review of projects; or have development management plans to substantially increase the environmentally trained staff engaged in review of the ecological impacts of prospective projects;

(2) vigorously promote changes in these institutions in their preparation of projects and country programs that will encourage staff and borrower countries to—

(A) actively and regularly involve environmental and health ministers, or comparable representatives, in the preparation of environmentally sensitive projects and in bank-supported country program planning and strategy sessions;

(B) actively and regularly use the resources of available nongovernmental conservation and indigenous peoples' organizations, and consistent with international procurement policies, in the preparation of environmentally sensitive projects and in bank-supported country program planning and strategy sessions;

(3) vigorously promote a commitment of these institutions to increase the proportion of their lending programs supporting environmentally beneficial projects and project components, resource rehabilitation projects and project components, protection of indigenous peoples, and appropriate or light capital technology projects. Examples of such projects include small scale mixed farming and multiple cropping; agroforestry; programs to promote kitchen gardens; watershed management and rehabilitation; high yield woodlots; integrated pest management systems; dune stabilization programs; programs to improve energy efficiency; energy efficient technologies such as small scale hydro projects, rural solar energy systems, and rural and mobil telecommunications systems; and improved efficiency and management of irrigation systems;

Prohibitions.
Exports.
El Salvador.
Aircraft and air
carriers.
22 USC 2778.

Guatemala.

Banks and
banking.
Environmental
protection.
22 USC 2621.

(4) vigorously promote the establishment within the Economic Development Institute of the World Bank to institute a component which provides training in environmental and natural resource planning and program development;

(5) ensure that there is a thorough evaluation within the U.S. Government of the potential environmental problems, and the adequacy of measures to address these problems, associated with all proposed loans for projects involving large impoundments of rivers in tropical countries; penetration roads into relatively undeveloped areas; and agricultural and rural development programs; the potential environmental problems to be addressed in such evaluations shall include those relating to deterioration of water quality, siltation, spread of water borne diseases, forced resettlement, deforestation, threats to the land, health and culture of indigenous peoples, top soil management, water logging and salinization in irrigation projects, and pesticide misuse and resistance;

(6) call for, by May 31, 1986, separate and special meetings of each of the Boards of Executive Directors of these institutions to discuss their environmental performance, and ways in which this performance can be improved, including alternative projects considered and alternative configurations of projects with specific attention to environmental problems associated with the following categories of projects: large impoundments of rivers in tropical countries; penetration roads into relatively undeveloped areas; agriculture and rural development projects; and

(7) in preparation for the meetings referred to in clause (6), the United States Executive Directors of the Multilateral Development Banks shall request the preparation of reviews by the International Bank for Reconstruction and Development and the Inter-American Development Bank from available information, of their environmental performance over the past decade with respect to the categories of projects referred to in clause (6); the United States Executive Directors shall request that these reviews specifically discuss the environmental problems explicitly referred to in clause (5).

Report.

(b) The Secretary of the Treasury shall prepare and submit to the Committees on Appropriations by March 31, 1986, a report documenting the progress the Multilateral Development Banks have made in implementing the environmental reform measures described in clauses (1) through (4) of subsection (a).

(c) The Secretary of the Treasury and the Secretary of State shall undertake initiatives, in addition to those described in clause (6) of subsection (a) to discuss measures to improve the environmental performance of the Multilateral Development Banks with the representatives, and with the ministries from which they receive their instructions, of other donor nations to these institutions.

(d) In the report of the Secretary of the Treasury required by subsection (b) regarding the implementation of staffing measures suggested in clause (1) of subsection (a), the Secretary of the Treasury shall specifically discuss the International Bank for Reconstruction and Development's progress in adding environmentally trained professionals, or in developing and implementing alternative plans for environmental staffing in each of the Bank's six regional offices to review projects for their prospective ecological impacts.

SEC. 541. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to population, development assistance and to the need for informed voluntary family planning.

Prohibitions.
Abortions.
22 USC 2151.

SEC. 542. Not less than \$15,000,000 of the aggregate amount of funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 and chapter 4 of part II of that Act, shall be available for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

Afghanistan.

22 USC 2151.
Ante, p. 210.

SEC. 543. None of the funds provided in this Act shall be available for the Sudan if the President determines that the Sudan is acting in a manner that would endanger the stability of the region, or the Camp David peace process.

Prohibitions.
Sudan.

SEC. 544. The President shall make available to the Cambodian non-communist resistance forces not less than \$1,500,000 nor more than \$5,000,000 of the funds appropriated by this Act for "Military Assistance" and for the "Economic Support Fund", notwithstanding any other provision of law: *Provided*, That funds appropriated by this Act for this purpose shall be obligated in accordance with the provisions of section 906 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83).

President of U.S.
Cambodia.

SEC. 545. (a) SENSE OF CONGRESS.—It is the sense of Congress that no foreign military sales financing appropriated by this Act may be used to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, and no notification may be made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons systems, unless Jordan is publicly committed to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

Ante, p. 268.
Jordan.
Weapons.
Aircraft and air
carriers.
Israel.
Ante, p. 203.

(b) CERTIFICATION.—Any notification made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems or other new advanced military weapons, must be accompanied by a Presidential certification of Jordan's public commitment to the recognition of Israel and to negotiate promptly and

directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

Prohibitions.

SEC. 546. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

Prohibitions.
El Salvador.
22 USC 2311,
2347.
22 USC 2751
note.

SEC. 547. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, \$5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders.

Michael
Hammer.
Mark Pearlman.
Jose Rodolfo
Viera.

SEC. 548. It is the sense of the Congress that all countries receiving United States foreign assistance under the "Economic Support Fund", "Foreign Military Credit Sales", "Military Assistance" program, "International Military Education and Training", Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) development assistance programs, or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

7 USC 1691 note.

SEC. 549. Any joint resolution introduced on or after February 1, 1986, which states that the Congress objects to the proposed sale to Jordan of advanced weapons systems, including advanced aircraft and advanced air defense systems (submitted to the Congress on October 21, 1985), shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

Jordan.
Weapons.
Aircraft and air
carriers.

90 Stat. 765.

SEC. 550. (a) The Congress finds that—

Children and
youth.

(1) the United Nations Children's Fund (UNICEF) reports that four million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis;

(2) at present less than 20 percent of children in the developing world are fully immunized against these diseases;

(3) each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social, and political development of their countries because they have not been immunized;

(4) ten million additional childhood deaths from immunizable and potentially immunizable diseases could be averted annually by the development of techniques in biotechnology for new and cost-effective vaccines;

(5) the World Health Assembly, the Executive Board of the United Nations Children's Fund, and the United Nations General Assembly are calling upon the nations of the world to

commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

(6) the United States, through the Centers for Disease Control and the Agency for International Development, joined in a global effort by providing political and technical leadership that made possible the eradication of smallpox during the 1970's;

(7) the development of national immunization systems that can both be sustained and also serve as a model for a wide range of primary health care actions is a desired outcome of our foreign assistance policy;

(8) the United States Centers for Disease Control headquartered in Atlanta is uniquely qualified to provide technical assistance for a worldwide immunization and eradication effort and is universally respected;

(9) at the 1984 Bellagio Conference it was determined that the goal of universal childhood immunization by 1990 is indeed achievable;

(10) the Congress, through authorizations and appropriations for international health research and primary health care activities and the establishment of the Child Survival Fund, has played a vital role in providing for the well-being of the world's children;

(11) the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program; and

(12) the United States private sector and public at large have responded generously to appeals for support for national immunization campaigns in developing countries.

(b)(1) The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990 by—

(A) assisting in the delivery, distribution, and use of vaccines, including—

(i) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 per centum of their annually projected target population with the full schedule of required immunizations, and

(ii) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(B) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

(2) In support of this global effort, the President should appeal to the people of the United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

President of U.S.

Loans.

Sec. 551. The foreign debt burdens of many Third World nations have contributed to their economic decline and inability to engage in a significant economic recovery;

The United States foreign military assistance loan programs, which have had very high interest rates in past years, have contributed to the security of our friends and allies, but also have played a contributing role in adding to the debt burdens of many of our friends and allies;

United States foreign aid has, among its major objectives, the enhancement of the military and economic security of our friends and allies and our own security;

A foreign assistance program which adds significantly to the debt burdens of our friends and allies by forcing the weaker of those nations to use funds which could be used for development for repayment of loans impairs their economic development unnecessarily and is not in either their or our interest;

The past few years have seen several positive legislative steps taken to alleviate the FMS loan-related debt burdens of our friends and allies by reducing interest rates, stretching out the repayment period of these loans, and by increasing the level of MAP grants and forgiven FMS credits;

These steps have helped to ease these problems in the short term, but the long-term debt servicing problems of our friends and allies remain;

It would be in the best interests of our friends and allies to alleviate their debt burdens brought about by past loans and to bring about a more streamlined and straightforward approach to their programs in this area;

Such streamlined, straightforward programs would make it easier to develop country programs and would ease current pressures on the United States to grant to aid recipients the most favorable terms on their military loan programs: Now therefore

(1) it is the sense of the Congress that a more simplified, streamlined, straightforward foreign military assistance program is in the national interest and in the interest of the military and economic security of our friends and allies throughout the world;

(2) that greater concessionality only to match economic need as appropriate should be incorporated into future military assistance programs;

(3) that FMS loan programs extending the repayment period beyond the useful life of the items to be purchased could tend to increase the long-term debt burdens of our friends and allies;

(4) that the FMS concessional loan program contains a significant grant element to the recipient nation and that the Congress should actively consider replacing this program with a more straightforward approach;

(5) the President is urged to propose, in the next formal Congressional Presentation for Security Assistance Programs, reforms and refinements in the foreign military assistance programs along these lines for consideration by the appropriate committees of the Congress.

Sec. 552. (a) Notwithstanding any other provision of law, the President is authorized—

(1) to deny nondiscriminatory (most-favored-nation) trade treatment to the products of Afghanistan and thereby cause such products to be subject to the rate of duty set forth in

column number 2 of the Tariff Schedules of the United States, and 19 USC 1202.

(2) to deny credit, credit guarantees, and investment guarantees to, or for the benefit of, Afghanistan under any Federal program.

(b) If the President has not denied nondiscriminatory trade treatment to the products of Afghanistan before the date that is 45 days after the date of enactment of this joint resolution, the President shall submit to the Congress on such date.

This subsection may be cited as the "Foreign Assistance and Related Programs Appropriations Act, 1986".

Ante, p. 1291.

(j) Such amounts as may be necessary for continuing the following activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1985, under the terms and conditions provided in applicable appropriations Acts for the fiscal year 1985, at the current rate: *Provided*, That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1985:

Activities under sections 236, 237, and 238 of the Trade Act of 1974;

Activities under the Public Health Service Act;

Refugee and entrant assistance activities under the provisions of title IV of the Immigration and Nationality Act including \$50,000,000 for targeted assistance grants and \$4,000,000 for voluntary agency matching grants; title IV and part B of title III of the Refugee Act of 1980; and sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980;

Foster care and adoption assistance activities under title IV-E of the Social Security Act under the terms and conditions established by sections 474(b) and 474(c) of that Act, and sections 102(a)(1) and 102(c) of Public Law 96-272: *Provided*, That, for the purpose of giving effect to this paragraph, references in such sections to fiscal year 1985 are deemed to be references to fiscal year 1986; and

Minority science improvement activities under section 528(3) of the Omnibus Budget Reconciliation Act of 1981.

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 13, 1985, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1986, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

19 USC 2296-2298.

42 USC 201 note.

8 USC 1106.

8 USC 1521, 1525.

8 USC 1522 note.

42 USC 670.

42 USC 674.

42 USC 672 note.

20 USC 3489.

Ante, p. 293.

SEC. 105. Title I, Chapter I of the Act of August 15, 1985 (Public Law 99-88), is amended by deleting, under the heading "Cooperative State Research Service," that portion of the land description dealing with lands to be conveyed to the Sierra Blanca Airport Commission that reads "RI0E" and substituting in lieu thereof "RI5E".

SEC. 106. Notwithstanding any other provision of this joint resolution, and in addition to amounts appropriated elsewhere, there are appropriated \$40,000,000, to remain available until expended, for "Watershed and Flood Prevention Operations" for emergency measures as provided in sections 401 and 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2203-2205).

Banks and
banking.

12 USC 2276.

SEC. 107. Notwithstanding any other provision of this joint resolution, not to exceed an additional \$9,549,000 (from assessments collected from farm credit system banks) shall be obligated during the current fiscal year for administrative expenses, as authorized under 12 U.S.C. 2249: *Provided*, That hereafter the Comptroller General or his duly authorized representatives shall have access to and the right to examine all books, documents, papers, records, or other recorded information within the possession or control of the Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations and banks for cooperatives.

42 USC 6701
note.

New York.

New Jersey.
42 USC 3131.

California.

Alabama.

Illinois.

SEC. 108. (a) Notwithstanding any provision of title I of the Local Public Works Capital Development and Investment Act of 1976, as amended (Public Law 94-369) or any other provision of law, any funds authorized and appropriated under title I of such Act, as amended, in any fiscal year for projects in: (1) New York, New York but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for any authorized project in New York, New York under title I of such Act, as amended or for any authorized project in New York, New York under title I of the Public Works and Economic Development Act of 1965, as amended; (2) New Jersey but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for the rehabilitation and renovation of Buildings 1002, 1006 and such other structures at Camp Kilmer, Edison, New Jersey as may be agreed upon between Middlesex County and the Department of Defense for use as a shelter for the homeless in Middlesex County, New Jersey; (3) California but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for infrastructure projects and economic development activities at the site of the abandoned General Motors plant in the city of South Gate, California; (4) Alabama but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for infrastructure projects and related economic development activities for the Jasper Industrial Park at Jasper, Alabama; and (5) Illinois but currently obligated and not disbursed, shall be obligated and expended during fiscal years 1986 and 1987 for (i) the restoration, rehabilitation and renovation of existing buildings and structures within the Illinois and Michigan Canal National Heritage Corridor, and (ii) a \$400,000 grant to the Will County Development Company for the establishment of a revolving loan fund.

Flood control.
Dams.
Iowa.
33 USC 701b-1.

(b) The project for flood control, Red Rock Dam and Lake, Iowa authorized by the Flood Control Act approved June 28, 1938, is modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers to acquire from willing sellers fee

ple interest in real property which is subject to periodic flooding in connection with the operation of the project, using funds herebefore and hereafter appropriated.

(c) In addition, for the Economic Development Administration, "economic development assistance programs"; \$8,500,000, to remain available until expended, of which \$4,000,000 is for a grant to Lexington County, South Carolina, for all expenditures related to the development of a state-of-the-art fiber optics/medium power cable research and development facility in Lexington County; and of which \$4,500,000 is for a grant to the City of Fort Worth for the continued renovation, construction, rehabilitation and establishment of economic development facilities and related infrastructure activities of the Fort Worth Stockyards project.

(d) In addition, for the United States Information Agency, "Educational and Cultural Exchange Programs"; \$2,500,000 for reimbursement of expenses for international games for the handicapped as authorized by section 207 of Public Law 99-93: *Provided*, that reimbursement for each organization conducting such games shall not exceed the total amount of necessary and reasonable expenses incurred by such organization in excess of donations and government services furnished.

SEC. 109. Notwithstanding any other provision of this joint resolution, there is appropriated an additional \$3,000,000 to remain available until expended, for the National Oceanic and Atmospheric Administration for programs, projects, and activities for the Integrated Flood Observing and Warning System (IFLOWS).

SEC. 110. (a) Notwithstanding any other provision of this joint resolution, no funds made available to the Department of Justice during fiscal year 1986 shall be used to implement, or to adopt as a permanent rule, New Offense Example 363, providing coverage for "sidetrading" offenses, of 28 C.F.R. section 2.20.

(b) This section shall become effective upon the date of enactment of this joint resolution and shall expire 180 days after the effective date of this joint resolution: *Provided*, That this section shall not apply to any case pending before the United States Parole Commission as of the effective date of this joint resolution.

SEC. 111. (a) For an additional amount for the Commission on the Centennial of the United States Constitution, "Salaries and Expenses", authorized by Public Law 98-101 (97 Stat. 719-723), \$2,000,000 to remain available until expended.

(b) Section 5 of Public Law 98-101 (97 Stat. 719) is amended—
(1) in subsection (b), by striking out "up to five persons,"; and
(2) in paragraph (2) of subsection (e), by striking out "the services" through the end of such paragraph and inserting in lieu thereof "services".

(c) Notwithstanding section 5(a) of Public Law 98-101 (97 Stat. 719), the rate of pay of the staff director of the Commission on the Centennial of the United States Constitution shall not exceed 95 percent of the rate of basic pay for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

SEC. 112. None of the funds appropriated to the Legal Services Corporation for fiscal years prior to fiscal year 1986 and carried over to fiscal year 1986, either by the Corporation itself or by any recipient of such funds, may be expended, unless such funds are expended in accordance with all of the restrictions and provisions of Public Law 99-180 of December 13, 1985, except that such funds may be expended for the continued representation of aliens prohibited by

Grants.
South Carolina.

Handicapped
persons.

Ante, p. 430.

Prohibitions.

Effective date.

97 Stat. 720.

Prohibitions.
Aliens.

Ante, p. 1136.

said Act where such representation commenced prior to January 1, 1983, or as approved by the Corporation.

Loans.

SEC. 113. Notwithstanding any other provision of this joint resolution, an additional \$10,000,000 shall be transferred from the "Small Business Administration, Disaster Loan Fund" to "Small Business Administration, Salaries and expenses" for disaster loan making activities, including loan servicing.

Defense and
national
security.
Crimes and
misdemeanors.

SEC. 114. (a) The Congress finds that—

(1) There have been an increasingly large number of criminal actions or accusations of fraud bought against defense contractors, in which a number of leading defense contractors have pleaded guilty to criminal activity;

(2) Such fraudulent activity on the part of corporations entrusted with responsibility for our national defense is a threat to our national security and an abuse of the public trust;

(3) Such fraud by those who seek to contract with the Government represents the most reprehensible kind of corporate conduct;

Contracts.

(4) The Government must ensure that it contracts only with responsible companies, especially in areas vital to our national defense;

(5) It is vital that sufficient resources of the Federal Government be allocated to the exposure and prosecution of such fraud;

(6) The Department of Justice must exhibit a commitment to the prosecution of procurement law violations; and

(7) Only through a genuine commitment to seek criminal and civil penalties against corporations engaged in procurement law violations will such violations be deterred.

Audit.

(b) It is therefore the sense of the Congress that the United States Government, through both its executive and legislative branches, launch an energetic and thorough investigation and audit for all defense contractor billing practices, and all other practices involving Government contracts, to expose all fraudulent action; that the Government seek indictments against companies believed to have defrauded the Government or the people of the United States: *And provided further*, That the Government more aggressively use suspension or debarment of contractors convicted of crimes as appropriate supplemental penalty for such conviction.

Penalties.

97 Stat. 1292.

SEC. 115. Section 1302 of Public law 98-181 is amended to substitute in the first sentence "period of two years" with "period ending January 1, 1989".

Alaska.

SEC. 116. The Secretary of the Army is directed to accomplish emergency bank stabilization work at Bethel, Dillingham, and Galena, Alaska, at full Federal cost, within available funds, at an estimated cost of \$1,500,000. Such funds were previously appropriated in Public Law 99-141 (99 Stat. 564).

Flood control.
California.

42 USC 1962d-5.

SEC. 117. The Secretary shall include as part of the non-Federal contribution of the project for flood control, Fairfield Vicinity Streams, California, authorized in accordance with section 201 of the Flood Control Act of 1965, the cost of any work carried out by non-Federal interests on the project after December 31, 1973, and before the date of the enactment of this joint resolution, if the Secretary determines such work is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

SEC. 118. (a) Notwithstanding any other provision of law, the President is authorized—

(1) to deny nondiscriminatory (most-favored-nation) trade treatment to the products of Afghanistan and thereby cause such products to be subject to the rate of duty set forth in column number 2 of the Tariff Schedules of the United States, and

(2) to deny credit, credit guarantees, and investment guarantees to, or for the benefit of, Afghanistan under any Federal program.

(b) If the President has not denied nondiscriminatory trade treatment to the products of Afghanistan before the date that is 45 days after the date of enactment of this joint resolution, the President shall submit to the Congress on such date a report which states the reasons why the President has not denied such treatment.

(c) Notwithstanding any other provision of law, if the President takes any action under subsection (a), the President is authorized to—

(1) restore nondiscriminatory trade treatment to the products of Afghanistan, and

(2) extend credit, credit guarantees, and investment guarantees to, or for the benefit of, Afghanistan under any Federal program.

only if the President provides written notice of such restoration or extension to the Congress at least 30 days prior to the date on which such restoration or extension takes effect.

(d) For purposes of this joint resolution, the term “product of Afghanistan” means any article which is grown, produced, or manufactured (in whole or in part) in Afghanistan.

SEC. 119. Notwithstanding any other provision of this joint resolution, for necessary expenses to carry out title II of the Federal Water Pollution Control Act, other than sections 201(m)(1-3), 201(n)(2), 206, 208, and 209, \$2,400,000,000, to remain available until expended: *Provided*, That, of the amounts appropriated under this section, only \$600,000,000 shall be immediately available, with remaining amounts to become available only upon enactment of a subsequent appropriation act authorizing obligation of such funds: *Provided further*, That availability of funds appropriated by this section shall not be limited to phases or segments of previously funded projects: *Provided further*, That allocation of the \$600,000,000 initially made available by this section shall be in accordance with the formula in effect on October 1, 1984.

SEC. 120. Notwithstanding any other provision of this joint resolution, up to \$8,000,000 of the funds appropriated for the Veterans Administration under the heading “Medical care” in Public Law 99-160 may be transferred to and merged with the funds provided under the heading “General operating expenses”.

SEC. 121. Notwithstanding any other provision of law or this joint resolution, the Administrator of Veterans Affairs shall delegate to hospital directors the authority to administer not less than 15 of the new fiscal year 1985 major construction projects and not less than 10 of the new fiscal year 1986 major construction projects in the manner and under the conditions established for the delegation of the nursing home care construction projects at Ann Arbor, Tampa, and Fresno. The Administrator shall submit to the Committees on Appropriations of the House of Representatives and the Senate a list of the proposed delegations not later than 15 days after enactment

President of U.S.
Afghanistan.
19 USC 2434
note.

19 USC 1202.

Report.

Ante, p. 909.

Health and
medical care.

of this joint resolution. The Administrator shall, within available resources, provide additional funds and personnel ceilings to each hospital director with a delegated project for necessary and adequate engineering, contracting, and other technical support. The delegation of authority for actual construction of said facilities shall be at the discretion of the selected hospital directors.

Prohibitions.
Courts, U.S.
California.

SEC. 122. None of the funds made available by this or any other Act for fiscal year 1986 to the Office of the Secretary, Department of the Interior, shall be expended to submit to the United States District Court for Eastern California any settlement with respect to *Westlands Water District v. United States, et al.*, (CV-F-81-245-EDP) until: (1) April 15, 1986, and (2) until the Congress has received from the Secretary and reviewed for a period of 30 days a copy of the proposed settlement agreement which has been approved and signed by the Secretary.

Animals.
Illinois.

SEC. 123. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for, and the Secretary of the Interior shall immediately resume preparation of, all environmental assessments and statements that are necessary prerequisites to the translocation of a portion of the existing population of Southern sea otters (*Enhydra lutris nereis*) to one or more locations within their historic range in accordance with the recovery plan for such species. In preparing such assessments and statements the Secretary shall consider section 10(j) of the Endangered Species Act (16 U.S.C. 1539(j)) as well as pending legislation that would amend such Act: *Provided*, That the Secretary of the Army is directed to accomplish emergency bank stabilization, shore protection, and flood control work to protect public-owned property in the vicinity of Jarvis Avenue, Fargo Avenue, North Shore Avenue, Rosemont Avenue, Burger Park, North Sheridan Road, and Lake Michigan in Chicago, Illinois, at full Federal expense using funds heretofore and hereafter appropriated at an estimated cost of \$1,000,000.

42 USC 3001-1,
3001-4, 300m.

Grants.

Ante, p. 1102.
42 USC 3001-5.

42 USC 3001-5
note.

8 USC 1524 note.
Insurance.
42 USC 294a.

42 USC 294.
Maryland.
Ohio.
Wisconsin.
California.

SEC. 124. No penalty shall be applied nor any State or agency agreement terminated pursuant to sections 1512, 1515, or 1521 of the Public Health Service Act during fiscal year 1986, nor if appropriations under title XV of that Act are reauthorized by August 15, 1986, shall any agency be required to take action to anticipate termination of financial assistance under that title. Sums appropriated by the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1986, for the award of grants under section 1516 of the Public Health Service Act may be used for grants under that section to State agencies that were authorized to receive grants for fiscal year 1982 under section 935(b) of the Omnibus Budget Reconciliation Act of 1981: *Provided*, That no sums may be obligated under the authority of this sentence after the date upon which a law is enacted to extend the authority to appropriate amounts to carry out title XV of such Act.

SEC. 125. The total principal amount of Federal loan insurance available under section 728 of the Public Health Service Act during fiscal year 1986 shall be granted by the Secretary of Health and Human Services without regard to any apportionment or other similar limitation, unless such apportionment or limitation is explicitly established, after the enactment of this joint resolution, as an amendment to subpart I of title VII-C of that Act.

SEC. 126. Notwithstanding any other provision of this joint resolution, the Secretary of Health and Human Services shall extend, for one additional year, approval to the municipal health services dem-

onstration projects located in Baltimore, Cincinnati, Milwaukee, and San Jose authorized under section 402(a) of the Social Security Amendments of 1967.

SEC. 127. From the amounts awarded to a State from its allotment under section 2003 of the Social Security Act for fiscal year 1986, the State shall use to maintain and improve the availability and quality of training provided under section 401(b)(1), 98 Stat. 2196, such sums as the State may determine to be required.

SEC. 128. Upon the enactment of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1986, the amount provided therein for the Secretary of Education's discretionary fund for programs of national significance (for sums appropriated for carrying out title II of the Education for Economic Security Act) shall immediately become available for obligation.

SEC. 129. Notwithstanding any other provisions of this joint resolution or any other provision of law, any student residing in an area designated as a natural disaster area pursuant to a provision of Federal law may apply or reapply for a Pell Grant under subpart 1 of part A of title IV of the Higher Education Act of 1965 and be eligible for and receive a Pell award based on income earned in calendar year 1985 instead of 1984 if individuals whose incomes are taken into account in determining the student's eligibility for and amounts of a Pell Grant have been unable to pursue normal income-producing activities in 1985 as a result of the natural disaster.

SEC. 130. (a) In the administration of subchapter III of chapter 83 of title 5, United States Code, title II of the Social Security Act, chapter 21 of the Internal Revenue Code of 1954, and title II of Public Law 98-168, the individual holding the position of Chief of the United States Capitol Police on January 1, 1985—

(1) shall be held and considered to have been appointed to that position before January 1, 1984,

(2) during the 60-day period following the date of the enactment into law of this section, shall be eligible to elect coverage under the provisions of such subchapter III, and

(3) upon such election, shall not be covered by section 210(a)(5)(G) of the Social Security Act, and section 3121(b)(5)(G) of the Internal Revenue Code of 1954, with respect to periods of service performed by such individual in such position after the election.

(b) Any period of service performed by such individual as Chief of the United States Capitol Police prior to making any such election shall, after such election and payment by or on behalf of such individual of appropriate contributions and interest covering such period of service, be considered as creditable service for purposes of such subchapter III and shall not be considered as covered service for purposes of title II of Public Law 98-168.

(c) Service performed by such individual as Chief of the United States Capitol Police after December 31, 1983, and prior to the election referred to in subsection (a), shall also be considered "employment" for purposes of the provisions of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, if such service would have been "employment" under such provisions but for this section.

SEC. 131. Notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal

42 USC 1395b-1.

42 USC 1397b.

Ante, p. 1102.

98 Stat. 1273.

Education.
20 USC 1070a
note.

20 USC 1070.

5 USC 8331 *et seq.*; 42 USC 401.
26 USC 3101 *et seq.*
5 USC 8331 note.

42 USC 410.
98 Stat. 1125.
26 USC 3121.

5 USC 8331 note.

42 USC 401; 26
USC 3101 *et seq.*

Biomedical
Ethics Board
and Biomedical
Ethics Advisory
Committee,
establishment.
Ante, p. 883.

year 1986 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

SEC. 132. Notwithstanding any other provision of this joint resolution, there is appropriated \$150,000 for fiscal year 1986 for the establishment and operation of the Biomedical Ethics Board and the Biomedical Ethics Advisory Committee pursuant to section 381 of the Public Health Service Act.

SEC. 133. Section 203(g) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), is amended, effective hereafter, to read as follows:

"(g) The Director of the Congressional Research Service will submit to the Librarian of Congress for review, consideration, evaluation, and approval, the budget estimates of the Congressional Research Service for inclusion in the Budget of the United States Government."

SEC. 134. The Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3001 et seq.) is amended by adding at the end thereof the following new section:

22 USC 3009.

"SEC. 9. For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress."

SEC. 135. (a) The first sentence of section 225(b)(3) of the Federal Salary Act of 1967 (2 U.S.C. 352(3)) is amended by inserting "and with respect to fiscal year 1987" before the period at the end thereof.

(b) Section 225(f) of such Act (2 U.S.C. 356) is amended by adding at the end thereof the following flush sentence: "In reviewing the rates of pay of the offices or positions referred to in subparagraph (D) of this subsection, the Commission shall determine and consider the appropriateness of the executive levels of such offices and positions."

(c) The second sentence of section 225(g) of such Act (2 U.S.C. 357) is amended by striking out "January 1 next following the close" and inserting in lieu thereof "December 15".

(d) Section 225(h) of such Act (2 U.S.C. 358) is amended—

(1) by inserting "under section 1105(a) of title 31, United States Code," in the first sentence after "transmitted"; and

(2) by striking out the second sentence.

(e) Section 225(i) of such Act (2 U.S.C. 359) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—

"(1) The recommendations of the President which are transmitted to the Congress pursuant to subsection (h) of this section shall be effective as provided in paragraph (2) of this subsection unless any such recommendation is disapproved by a joint resolution agreed to by the Congress not later than the last day of the 30-day period which begins on the date of which such recommendations are transmitted to the Congress.

"(2) The effective date of the rate or rates of pay which take effect for an office or position under paragraph (1) of this subsection shall be the first day of the first pay period which begins for such office or position after the end of the 30-day period described in such paragraph."

(f) Section 225(j) of such Act (2 U.S.C. 360) is amended—

(1) by striking out "transmitted to the Congress immediately following a review conducted by the Commission in one of the

fiscal years referred to in subsection (b)(2) or (3) of this section shall, if approved by the Congress as provided in subparagraph (i),” and inserting in lieu thereof “taking effect as provided in subsection (i) of this section shall”; and

(2) in clause (A), by striking out “in paragraph (1) of”.

(g) Notwithstanding section 225(g) of such Act (2 U.S.C. 357), the Commission on Executive, Legislative, and Judicial Salaries shall not make recommendations on the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of such Act (2 U.S.C. 356) in connection with the review of rates of pay of such offices and positions conducted by the Commission in fiscal year 1985.

Prohibition.
2 USC 357 note.

SEC. 136. Notwithstanding any other provision of this joint resolution or any other Act, the Department of the Navy is authorized, within existing appropriations, to expend such sums as are necessary to effectuate a settlement with the State of Washington of back tax liabilities arising out of Federal construction and procurement projects in Washington State. Such settlement may be negotiated directly between the Department of the Navy and the State of Washington, notwithstanding the fact that the liability of the Department of the Navy may be derivative from persons contracting with the Department.

Washington.

SEC. 137. Effective on and after January 1, 1986, section 908(b) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1), is amended by striking out “30 percent” in paragraphs (1) and (2) and inserting in lieu thereof “40 percent”.

SEC. 138. The Secretary of the Army, at his discretion, may utilize Reserve Forces to carry out emergency flood recovery and clean up measures in the 29-county area of West Virginia, the 6-county area of Pennsylvania, the 18-county area of Virginia, and Gulf Coast areas, declared entitled to relief under the Disaster Relief Act of 1974 with respect to the flooding occurring on and after August 30, 1985, without reimbursement for such limited assistance.

Flood control.
West Virginia.
Pennsylvania.
Virginia.

SEC. 139. (a) Notwithstanding section 101(i) and section 102(c) of this joint resolution, and notwithstanding any provision of H.R. 3036, if any individual or entity which provides or proposes to provide child care services for Federal employees applies to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which such individual or entity provides or proposes to provide such services, such officer or agency may allot space in such a building to such individual or entity if—

42 USC 5121
note.

Government
organization
and employees.
Children and
youth.
40 USC 490b.

(1) such space is available;

(2) such officer or agency determines that such space will be used to provide child care services to a group of individuals of whom at least 50 percent are Federal employees; and

(3) such officer or agency determines that such individual or entity will give priority for available child care services in such space to Federal employees.

(b)(1) if an officer or agency allots space to an individual or entity under subsection (a), such space may be provided to such individual or entity without charge for rent or services.

(2) If there is an agreement for the payment of costs associated with the provision of space allotted under subsection (a) or services provided in connection with such space, nothing in title 31, United States Code, or any other provision of law, shall be construed to

prohibit or restrict payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(3) For the purpose of this section, the term "services" includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone service), and security systems (including installation and other expenses associated with security systems).

Repeal.

SEC. 140. Section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (96 Stat. 234; 5 U.S.C. 6101 note) is repealed.

SEC. 141. Section 301(d) of title 31, United States Code, is amended in the first sentence by striking out the phrase "an Under Secretary, an Under Secretary for Monetary Affairs" and inserting in lieu thereof the phrase "2 Under Secretaries"; and by striking out the fourth sentence and inserting in lieu thereof the following new sentence: "The President may designate one Under Secretary as Counselor."

98 Stat. 2992.

SEC. 142. Subsection (c) of section 236 of the Trade and Tariff Act of 1984 (19 U.S.C. 58b(c)) is amended by striking out "4" and inserting in lieu thereof "20".

18 USC 3056
note.

SEC. 143. Section 4 of the Presidential Protection Assistance Act of 1976, Public Law 94-524, is amended by striking out "\$10,000" and inserting in lieu thereof "\$75,000".

SEC. 144. Section 202(a) of title 39, United States Code, is amended by striking out "30 days" each time it appears and by inserting in lieu thereof "42 days".

Prohibitions.

SEC. 145. None of the funds appropriated by this joint resolution or any other Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 205, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings or forms promulgated thereunder.

27 USC 201 *et seq.*

Massachusetts.
Report.

SEC. 146. Notwithstanding any other provision of law, the Administrator of the General Services Administration and the Secretary of Commerce are hereby authorized, for the purposes of supporting the United States' international trade position, to locate the International Trade Administration Boston District Office in the new World Trade Center, Boston, Massachusetts. A report shall be made to the Committees on Appropriations no later than February 1, 1986 detailing the steps taken and agreements reached to achieve this move.

SEC. 147. (a) Sections 201(1), 202(6), 203(a)(4)(A), 203(a)(4)(B), 204(a), and 206(b)(2)(A)(i) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (97 Stat. 1106; 5 U.S.C. 8331 note) are amended by striking out "January 1, 1986" each place it appears and inserting in lieu thereof "May 1, 1986".

(b) Section 206(c)(3) of such Act is amended by striking out "January 1, 1986" and inserting in lieu thereof "April 30, 1986".

5 USC 8331 note.

(c) Section 205 of such Act is amended by striking out "and 1986" in subsections (b) and (c) and inserting in lieu thereof "1986, and 1987".

Ethics in
Government Act
Amendments of
1985.
5 USC app. 201
note.

SEC. 148. (a) This section may be cited as the "Ethics in Government Act Amendments of 1985".

(b) Section 207 of the ethics in Government Act of 1978 is amended— 5 USC app. 207.

(1) by striking out the heading for such section and inserting in lieu thereof the following:

“CONFIDENTIAL REPORTS AND OTHER ADDITIONAL REQUIREMENTS”;

(2) by striking out the first sentence in subsection (a) and inserting in lieu thereof the following: “(1) The President may require officers and employees in the executive branch (including the United States Postal Service, the Postal Rate Commission, members of the uniformed services, and special Government employees as defined in section 202 of title 18, United States Code) to file a confidential financial disclosure report, in such form as the President may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in regulations prescribed by the President, and may be less extensive than otherwise required by this title, or more extensive when determined by the President to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of any such department or agency. Any individual required to file a report pursuant to section 201 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title.”; and

5 USC app. 201.

(3) by adding at the end of subsection (a) the following new paragraph:

“(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.”.

(c) The amendments made by this section shall be effective 90 days after the date of enactment of this section.

Effective date.
5 USC app. 207
note.
Outer
Continental
Shelf.
Report.

SEC. 149. The Secretary of the Interior is hereby directed to make every effort during the balance of fiscal year 1986 to resolve the outstanding conflicts with respect to the future leasing and protection of lands on the California outer continental shelf for oil and gas exploration and development. To this end, the Secretary shall submit to the Congress once every 60 days following the date of enactment of this resolution until the end of fiscal year 1986 a report summarizing the progress of negotiations carried out to resolve these outstanding conflicts. Such negotiations shall be conducted by the Secretary and the following members of Congress to be designated by the Speaker of the House of Representatives and the Majority Leader of the Senate:

(1) The Chairmen and ranking minority members of the following committees and subcommittees of the Congress having jurisdiction over these issues:

(A) The Subcommittee on the Interior of the Committee on Appropriations of the House of Representatives.

(B) The Subcommittee on Energy and the Environment of the Committee on Interior and Insular Affairs of the House of Representatives.

(C) The Subcommittee on the Panama Canal and Outer Continental Shelf of the Committee on Merchant Marine and Fisheries of the House of Representatives.

(D) The Subcommittee of the Interior of the Committee on Appropriations of the Senate.

(E) The Committee on Energy and Natural Resources of the Senate.

(2) Two United States Senators from California.

(3) Seven members of the California delegation to the House of Representatives.

Approved December 19, 1985.

LEGISLATIVE HISTORY—H.J. Res. 465:

HOUSE REPORTS: No. 99-403 (Comm. on Appropriations), No. 99-443 and No. 99-450 (Comm. of Conference).

SENATE REPORT No. 99-210 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 4, considered and passed House.

Dec. 6, 9, 10, considered and passed Senate, amended.

Dec. 19, House and Senate agreed to conference report.

Public Law 99-191
99th Congress

An Act

Relating to the authorization of appropriations for certain components of the
National Wildlife Refuge System.

Dec. 19, 1985
[H.R. 1789]

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. BON SECOUR NATIONAL WILDLIFE REFUGE.

Section 5(1) of the Act entitled “An Act to establish the Bon Secour National Wildlife Refuge”, approved June 9, 1980 (Public Law 96-267, 94 Stat. 484) is amended to read as follows:

“(1) \$15,300,000 for the period beginning October 1, 1985, for the acquisition of the refuge; and”.

SEC. 2. TENSAS RIVER NATIONAL WILDLIFE REFUGE.

Section 5 of the Act entitled “An Act to establish the Tensas River National Wildlife Refuge”, approved June 28, 1980 (Public Law 96-285, 94 Stat. 597) is amended to read as follows:

“SEC. 5. For purposes of carrying out this Act, there are authorized to be appropriated—

“(1) beginning October 1, 1985, not to exceed \$10,000,000 to the Department of the Interior; and

“(2) beginning October 1, 1980, not to exceed \$40,000,000 to the Department of the Army.

These sums are to remain available until expended.”.

SEC. 3. BOGUE CHITTO NATIONAL WILDLIFE REFUGE.

Section 5 of the Act entitled “An Act to establish the Bogue Chitto National Wildlife Refuge”, approved June 28, 1980 (Public Law 96-288, 94 Stat. 604) is amended—

(1) by striking out “beginning October 1, 1980”;

(2) by amending subsection (a) to read as follows:

“(a) beginning October 1, 1985, \$10,000,000 for the acquisition of lands and interests therein, to remain available until expended; and”; and

(3) by amending subsection (b) to read as follows:

“(b) \$1,000,000 for construction of the refuge headquarters and boat launching facilities and the accomplishment of boundary surveys, to remain available until expended.”.

SEC. 4. TINICUM NATIONAL ENVIRONMENTAL CENTER.

Section 1 of the Act entitled "An Act to provide for additional authorization of appropriations for the Tinicum National Environmental Center", approved July 25, 1980 (Public Law 96-315, 94 Stat. 957) is amended by striking out "September 30, 1985" and inserting in lieu thereof "expended".

Approved December 19, 1985.

LEGISLATIVE HISTORY—H.R. 1789 (S. 1354):

HOUSE REPORT No. 99-100 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 131 (1985):
July 29, considered and passed House.
Dec. 5, considered and passed Senate.

Public Law 99-192
99th Congress

An Act

To designate the pedestrian walkway crossing the Potomac River at Harpers Ferry National Historical Park as the "Goodloe E. Byron Memorial Pedestrian Walkway".

Dec. 19, 1985

[H.R. 3735]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pedestrian walkway located in Washington County in the State of Maryland, and Jefferson County in the State of West Virginia, which crosses the Potomac River at Harpers Ferry National Historical Park, and which is situated in part on the structure which is cantilevered onto the bridge owned by the Baltimore and Ohio Railroad Company (identified as the Bridge Numbered Zero of the Shenandoah Subdivision) and in part on the trestle of such bridge, shall hereafter be known and designated as the "Goodloe E. Byron Memorial Pedestrian Walkway".

Maryland.
West Virginia.
Public buildings
and grounds.
Bridges.

SEC. 2. Any reference in any law, map, regulation, document, record, or other paper of the United States to the pedestrian walkway referred to in the first section of this Act shall be deemed to be a reference to the "Goodloe E. Byron Memorial Pedestrian Walkway".

Approved December 19, 1985.

LEGISLATIVE HISTORY—H.R. 3735:

HOUSE REPORT No. 99-412 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Dec. 6, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 99-193
99th Congress

Joint Resolution

Dec. 19, 1985

[H.J. Res. 424]

To designate the year of 1986 as the "Year of the Flag".

- Whereas the flag of the United States is a symbol of our Nation and its ideals, traditions, and institutions;
- Whereas the flag is also symbolic of the territorial development of the Nation, and the tremendous effort, sacrifice, and love of country that made such development possible;
- Whereas the stars of the flag signify the number of States in the Union today and the stripes signify the number of States in the original Union;
- Whereas the colors of the flag signify qualities of the human spirit which all Americans should strive for: red for hardiness and courage, white for purity and innocence, and blue for vigilance and justice;
- Whereas awareness and appreciation of their Nation's ideals, traditions, development, and accomplishments are important in inspiring and guiding citizens' efforts in carrying the American legacy into the future;
- Whereas citizen interest in and appreciation of the flag and its development, meaning, and relationship to the American heritage is vitally important, so that it may always serve as an effective reminder of the ideals, accomplishments, and lessons of history for which it stands;
- Whereas citizen awareness, interest, and appreciation of the flag and its relationship to the American heritage has declined in recent years, thereby threatening its effectiveness in reminding citizens of their heritage and inspiring them in their daily lives;
- Whereas there is a need for renewed interest in the flag, and a promotion of awareness of its relationship to the Nation's Constitution, values, heritage, and accomplishments;
- Whereas a commemorative year would serve to heighten such interest in and awareness of the flag, by encouraging efforts to educate citizens regarding the relationship of the flag to their heritage, and celebrations honoring the flag;
- Whereas 1986 is the two hundredth anniversary of the first call for a Federal constitutional convention;
- Whereas 1986 is the year of the rededication of the Statue of Liberty; and
- Whereas the two hundredth anniversary of the first call for a Federal constitutional convention is an appropriate occasion to

commemorate the flag as the symbol of American heritage for which the Constitution serves as foundation and the Statue of Liberty serves as beacon: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1986 is designated the "Year of the Flag". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such year with appropriate ceremonies and activities.

Approved December 19, 1985.

LEGISLATIVE HISTORY—H.J. Res. 424 (S.J. Res. 242):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 3, considered and passed House.

Dec. 5, considered and passed Senate.

Public Law 99-193
99th Congress

Joint Resolution

Dec. 19, 1985

[H.J. Res. 424]

To designate the year of 1986 as the "Year of the Flag".

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- Whereas a commemorative year would serve to heighten such interest in and awareness of the flag, by encouraging efforts to educate citizens regarding the relationship of the flag to their heritage, and celebrations honoring the flag;
- Whereas 1986 is the two hundredth anniversary of the first call for a Federal constitutional convention;
- Whereas 1986 is the year of the rededication of the Statue of Liberty; and
- Whereas the two hundredth anniversary of the first call for a Federal constitutional convention is an appropriate occasion to

commemorate the flag as the symbol of American heritage for which the Constitution serves as foundation and the Statue of Liberty serves as beacon: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1986 is designated the "Year of the Flag". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such year with appropriate ceremonies and activities.

Approved December 19, 1985.

LEGISLATIVE HISTORY—H.J. Res. 424 (S.J. Res. 242):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 3, considered and passed House.

Dec. 5, considered and passed Senate.

Public Law 99-194
99th Congress

An Act

Dec. 20, 1985
[S. 1264]

To amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arts,
Humanities, and
Museums
Amendments of
1985.
Cultural
programs.
20 USC 951 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Arts, Humanities, and Museum Amendments of 1985”.

TITLE I—AMENDMENTS TO NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 101. TECHNICAL AMENDMENT; SHORT TITLE.

98 Stat. 223.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended—

(1) by striking out

“TITLE I—ENDOWMENTS FOR ARTS AND HUMANITIES”, and

20 USC 951 note.

(2) in section 1 by striking out “title” and inserting in lieu thereof “Act”.

SEC. 102. DECLARATION OF PURPOSE.

98 Stat. 223.

Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

(1) in clause (2) by striking out “man’s”,

(2) in clause (3)—

(A) by inserting “, and access to the arts and the humanities,” after “education”, and

(B) by striking out “men” and inserting in lieu thereof “people of all backgrounds and wherever located”,

(3) in clause (7) by striking out “and” at the end thereof

(4) by redesignating clause (8) as clause (9), and

(5) by inserting after clause (7) the following new clause

Schools and
colleges.

“(8) that Americans should receive in school, background and preparation in the arts and humanities to enable them to recognize and appreciate the aesthetic dimensions of our lives, the diversity of excellence that comprises our cultural heritage, and artistic and scholarly expression; and”.

SEC. 103. DEFINITIONS.

Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

(1) in subsection (a)—

(A) by inserting “and interpretation” after “study” the first place it appears, and

(B) by inserting “to reflecting our diverse heritage, traditions, and history and” after “particular attention”, and

(2) in subsection (d)(2)—

(A) by inserting “for purposes of sections 5(l) and 7(h) only,” after “(2)”,

(B) by inserting “or humanistic” after “artistic”, and

(C) by inserting “and the National Council on the Humanities, as the case may be,” after “the National Council on the Arts”.

104. ESTABLISHMENT OF A NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.

Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(a)) is amended—

98 Stat. 223.

(1) by striking out “Humanities,” and inserting in lieu thereof “Humanities,” and

(2) by striking out “(hereinafter established)”.

105. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS.

Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended—

(1) in subsection (b)(1) by striking out “chairman” and inserting in lieu thereof “chairperson”;

(2) in subsection (c)—

(A) by redesignating clauses (4), (5), and (6) as clauses (6), (7), and (8), respectively, and

Minorities.

(B) by inserting after clause (3) the following new clauses:
“(4) projects and productions which have substantial artistic and cultural significance and that reach, or reflect the culture of, a minority, inner city, rural, or tribal community;

“(5) projects and productions that will encourage public knowledge, understanding, and appreciation of the arts;”,

(C) by striking out “clause (5)” in the second sentence of such subsection and inserting in lieu thereof “clause (8)”, and

(D) by adding at the end thereof the following:

“selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the chairperson shall give particular regard to artists and artistic groups that have traditionally been underrepresented.”;

(3) in subsection (g)(2)—

(A) in clause (B) by striking out “and” at the end thereof,

(B) in clause (C) by striking out the period at the end thereof and inserting in lieu thereof “, including a description of the progress made toward achieving the goals of the State plan;”, and

(C) by inserting after clause (C) the following new clauses:

“(D) provides—

“(i) assurances that the State agency has held, after reasonable notice, public meetings in the State to allow all groups of artists, interested organizations, and the public to present views and make recommendations regarding the State plan; and

“(ii) a summary of such recommendations and the State agency’s response to such recommendations; and

“(E) contains—

“(i) a description of the level of participation during the previous 2 years by artists, artists’ organizations, and arts

organizations in projects and productions for which financial assistance is provided under this subsection;

“(ii) a description of the extent to which projects and productions receiving financial assistance under this subsection are available to all people and communities in the State; and

“(iii) a description of projects and productions receiving financial assistance under this subsection that exist or are being developed to secure wider participation of artists, artists’ organizations, and arts organizations identified under clause (i) of this subparagraph or that address the availability of the arts to all people or communities identified under clause (ii) of this subparagraph.

Prohibition.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.”;

(4) in subsection (i) by striking out “he” and inserting in lieu thereof “the Secretary of Labor”;

(5) in subsection (1)(D)—

(A) by inserting “and local arts agencies” after “local arts groups”, and

(B) by striking out “including support of professional artists in community-based residencies;” and inserting in lieu thereof the following: “including—

“(i) support of professional artists in community based residencies;

“(ii) support of rural arts development;

“(iii) support of and models for regional, statewide, or local organizations to provide technical assistance to cultural organizations and institutions;

“(iv) support of and models for visual and performing arts touring; and

“(v) support of and models for professional staffing of arts organizations and for stabilizing and broadening the financial base for arts organizations;”;

(6) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”;

(7) by striking out “his” each place it appears and inserting in lieu thereof “the Chairperson’s”; and

(8) by adding at the end thereof the following new subsection:

“(m) The Chairperson of the National Endowment for the Arts shall, in consultation with State and local agencies, relevant organizations, and relevant Federal agencies, develop a practical system of national information and data collection on the arts, artists and arts groups, and their audiences. Such system shall include artistic and financial trends in the various artistic fields, trends in audience participation, and trends in arts education on national, regional, and State levels. Such system shall also include information regarding the availability of the arts to various audience segments, including rural communities. Not later than one year after the date of the enactment of the Arts, Humanities, and Museums Amendments of 1985, the Chairperson shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the development and implementation of such system, including a recommendation regarding the need for any additional funds to be appropriated to develop and implement such system. Such system shall be used, along with a summary of the data

Education.

Ante, p. 1332.

Report.

submitted with State plans under subsection (g), to prepare a periodic report on the state of the arts in the Nation. The state of the arts report shall include a description of the availability of the endowment's programs to emerging, rural, and culturally diverse artists, arts organizations, and communities and of the participation by such artists, organizations, and communities in such programs. The state of the arts report shall be submitted to the President and the Congress, and provided to the States, not later than October 1, 1988, and biennially thereafter."

Report.

Report.

SEC. 106. NATIONAL COUNCIL ON THE ARTS.

Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955) is amended—

98 Stat. 224.

(1) in subsection (b)—

(A) by striking out "Chairman" the first place it appears and inserting in lieu thereof "Chairperson",

(B) by striking out "Chairman of the Council" and inserting in lieu thereof "Chairperson of the Council",

(C) in clause (1)—

(i) by inserting "(A)" after "who", and

(ii) by inserting before the semicolon at the end thereof the following: "and (B) have established records of distinguished service, or achieved eminence, in the arts",

(D) in the last sentence by striking out "him" and inserting in lieu thereof "the President", and

(E) by adding at the end thereof the following:

in making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the arts."

President of U.S.
Discrimination,
prohibition.

(2) in subsection (c) by striking out "his" each place it appears and inserting in lieu thereof "such member's";

(3) in subsection (d) by striking out "Chairman" and inserting in lieu thereof "Chairperson";

(4) in subsection (e) by striking out "Chairman" and inserting in lieu thereof "Chairperson"; and

(5) in subsection (f)—

(A) in the first sentence by striking out "his" and inserting in lieu thereof "the Chairperson's",

(B) in the second sentence by striking out "he" and inserting in lieu thereof "the Chairperson",

(C) in the third sentence by striking out "\$17,500" and inserting in lieu thereof "\$30,000", and

(D) by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

SEC. 107. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES.

Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking out "chairman" and inserting in lieu thereof "chairperson", and

(B) in paragraph (2) by striking out "his" each place it appears and inserting in lieu thereof "the Chairperson's";

(2) in subsection (c)—

Research and
development.
Minorities.

(A) by redesignating clauses (4), (5), (6), and (7) as clauses (6), (7), (8), and (9), respectively, and

(B) by inserting after clause (3) the following new clauses:

“(4) initiate and support programs and research which have substantial scholarly and cultural significance and that reach, or reflect the diversity and richness of our American cultural heritage, including the culture of, a minority, inner city, rural, or tribal community;

“(5) foster international programs and exchanges;”;

(C) in clause (3) by striking out “workships” and inserting in lieu thereof “workshops”;

(D) by striking out “clause (6)” in the second sentence of such subsection and inserting in lieu thereof “clause (8)”, and

(E) by adding at the end thereof the following:

Education.

“In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to scholars, and educational and cultural institutions, that have traditionally been underrepresented.”;

(3) in subsection (f)—

(A) in paragraph (2)(A)—

(i) in the first sentence by striking out “the Arts and Humanities Act of 1980” and inserting in lieu thereof “the Arts, Humanities, and Museums Amendments of 1985”;

(ii) in clause (ii) by inserting “officer” after “chief executive” each place it appears,

(iii) in clause (v) by striking out “and” at the end thereof,

(iv) in clause (vi) by striking out the period at the end thereof and inserting in lieu thereof “, including a description of the progress made toward achieving the goals of the State plan;”, and

(v) by inserting after clause (vi) the following new clauses:

“(vii) provides—

“(I) assurances that the State agency has held, after reasonable notice, public meetings in the State to allow scholars, interested organizations, and the public to present views and make recommendations regarding the State plan; and

“(II) a summary of such recommendations and of the response of the State agency to such recommendations; and

“(viii) contains—

“(I) a description of the level of participation during the previous two years by scholars and scholarly organizations in programs receiving financial assistance under this subsection;

“(II) a description of the extent to which the programs receiving financial assistance under this subsection are available to all people and communities in the State; and

“(III) a description of programs receiving financial assistance under this subsection that exist or are being developed to secure wider participation of scholars and scholarly organizations identified under subclause (I) of this clause or that address the availability of the humanities to all people

or communities identified under subclause (II) of this clause.

application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.”; Prohibition.

(B) in paragraph (2)(B)(i)—

(i) by striking out “four” and inserting in lieu thereof “six”, and

(ii) by striking out “20 per centum” and inserting in lieu thereof “25 per centum”,

(C) in paragraph (3)—

(i) in clause (G) by striking out “and” at the end thereof,

(ii) in clause (H) by striking out the period at the end thereof and inserting in lieu thereof “, including a description of the progress made toward achieving the goals of the plan;”, and

(iii) by inserting after clause (H) the following new clauses:

“(I) provides—

“(i) assurances that the grant recipient has held, after reasonable notice, public meetings in the State to allow scholars, interested organizations, and the public to present views and make recommendations regarding the plan; and Grants.

“(ii) a summary of such recommendations and of the response of the grant recipient to such recommendations; and

“(J) contains—

“(i) a description of the level of participation during the previous two years by scholars and scholarly organizations in programs receiving financial assistance under this subsection;

“(ii) a description of the extent to which the programs receiving financial assistance under this subsection are available to all people and communities in the State; and

“(iii) a description of programs receiving financial assistance under this subsection that exist or are being developed to secure wider participation of scholars and scholarly organizations identified under clause (i) of this subparagraph or that address the availability of the humanities to all people or communities identified under clause (ii) of this subparagraph.

application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.”; Prohibition.

(4) by striking out the last sentence of subsection (g) and inserting in lieu thereof “The Secretary of Labor shall prescribe standards, regulations, and procedures necessary to carry out this subsection not later than 180 days after the date of the enactment of the Arts, Humanities, and Museums Amendments of 1985.”; Regulations.

(5) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”; and

(6) by adding at the end thereof the following new subsections:

“(j) It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State, State agency, or entity receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects Grants.
State and local governments.

assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

5 USC app.

Education.

“(k) The Chairperson of the National Endowment for the Humanities shall, in consultation with State and local agencies, other relevant organizations, and relevant Federal agencies, develop a practical system of national information and data collection on the humanities, scholars, educational and cultural groups, and their audiences. Such system shall include cultural and financial trends in the various humanities fields, trends in audience participation, and trends in humanities education on national, regional, and State levels. Not later than one year after the date of the enactment of the Arts, Humanities, and Museums Amendments of 1985, the Chairperson shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the development and implementation of such system, including a recommendation regarding the need for any additional funds to be appropriated to develop and implement such system. Such system shall be used, along with a summary of the data submitted with plans under subsection (f), to prepare a report on the state of the humanities in the Nation. The state of the humanities report shall include a description of the availability of the Endowment’s programs to emerging and culturally diverse scholars, cultural and educational organizations, and communities and of the participation of such scholars, organizations, and communities in such programs. The state of the humanities report shall be submitted to the President and the Congress, and provided the States, not later than October 1, 1988, and biennially thereafter.

Report.

Report.

Report.

Report.
Regulation.

“(l) Not later than January 31, 1986, the Chairperson of the National Endowment for the Humanities shall transmit to the Equal Employment Opportunity Commission each plan and each report required under any regulation or management directive that is issued by the Commission and is in effect on such date of enactment.”.

SEC. 108. ESTABLISHMENT OF THE NATIONAL COUNCIL ON THE HUMANITIES.

Section 8 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957) is amended—

98 Stat. 224.

(1) in subsection (b)—

(A) in the first sentence by striking out “Chairman of the National Endowment for the Humanities, who shall be the Chairman” and inserting in lieu thereof “Chairperson of the National Endowment for the Humanities, who shall be the Chairperson”;

(B) in the second sentence by striking out “selected on the basis of” and inserting in lieu thereof “individuals who (1) are selected from among private citizens of the United States who are recognized for their broad knowledge of, expertise in, or commitment to the humanities, and (2) have established records of”, and

(C) by adding at the end thereof the following:

making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the humanities.”;

President of U.S.
Discrimination,
prohibition.

(2) in subsection (c) by striking out “his” each place it appears and inserting in lieu thereof “such member’s”;

(3) in subsections (d), (e), and (f) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”; and

(4) in subsection (f)—

(A) in the first sentence by striking out “his” and inserting in lieu thereof “the Chairperson’s”, and

(B) in the second sentence by striking out “he” and inserting in lieu thereof “the Chairperson”.

C. 109. ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended—

98 Stat. 224.

(1) in subsection (b)—

(A) in the first sentence by striking out “Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities” and inserting in lieu thereof “Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities”;

(B) in the second sentence by striking out “Chairman” and inserting in lieu thereof “presiding officer”; and

(C) in the last sentence by striking out “he” and inserting in lieu thereof “the President”;

(2) in subsection (c)(1) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”; and

(3) by striking out subsections (d) and (e) and inserting in lieu thereof the following new subsection:

“(d) The Council shall conduct a study to determine—

Study.

“(1) the nature and level of Federal support provided to museums;

“(2) the areas in which such support overlaps or is inadequate, particularly in case of emerging museums;

“(3) the impact of the Institute of Museum Services in carrying out its stated purpose; and

“(4) the impact and nature of conservation and preservation programs being carried out under this Act and other Federal laws and the areas in which such programs overlap or are inadequate.”.

Conservation.

C. 110. ADMINISTRATIVE PROVISIONS.

Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended—

(1) in subsection (a)—

(A) in the matter preceding clause (1) by striking out “Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities” and inserting in lieu thereof “Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities”;

(B) in clause (1)—

(i) by striking out “he” and inserting in lieu thereof “the Chairperson”, and

(ii) by striking out “his” and inserting in lieu thereof “the Chairperson’s”,

(C) in clause (2) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”,

(D) in clause (3) by striking out “his” and inserting in lieu thereof “the Chairperson’s”,

(E) in clause (4) by striking out “section 15” and all that follows through “representation” and inserting in lieu thereof “section 3109 of title 5, United States Code”,

(F) in the matter following clause (8) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”, and

(G) by adding at the end thereof the following:

“In selecting panels of experts under clause (4) to review and make recommendations with respect to the approval of applications for financial assistance under this Act, each Chairperson shall appoint individuals who have exhibited expertise and leadership in the field under review, who broadly represent diverse characteristics in terms of aesthetic or humanistic perspective, and geographic factors, and who broadly represent cultural diversity. Each Chairperson shall assure that the membership of panels changes substantially from year to year, and that no more than 20 per centum of the annual appointments shall be for service beyond the limit of three consecutive years on a subpanel. In making appointments, each Chairperson shall give due regard to the need for experienced members as well as new members on each panel. Panels of experts appointed to review or make recommendations with respect to the approval of applications or projects for funding by the National Endowment for the Arts shall, when reviewing such applications and projects, recommend for funding only applications and projects that in the context in which they are presented, in the experts’ view, foster excellence, are reflective of exceptional talent, and have significant literary, scholarly, cultural, or artistic merit. Whenever there is pending an application submitted by an individual for financial assistance under section 5(c), such individual may not serve as a member of any subpanel (or panel where a subpanel does not exist) before which such application is pending. The prohibition described in the previous sentence shall commence on the date the application is submitted and continue for so long as the application is pending.”

(2) in subsection (b) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”; and

(3) by striking out subsection (d) and inserting in lieu thereof the following new subsections:

“(d)(1) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall conduct a post-award evaluation of projects, productions, and programs for which financial assistance is provided by their respective Endowments under sections 5(c) and 7(c). Such evaluation must include an audit to determine the accuracy of the reports required to be submitted by recipients under clauses (i) and (ii) of paragraph (2)(A). As a condition of receiving such financial assistance, a recipient shall comply with the requirements specified in paragraph (2)(A) that are applicable to the project, production, or program for which such financial assistance is received.

Prohibition.

Reports.

2)(A) The recipient of financial assistance provided by either of Endowments shall submit to the Chairperson of the Endowment

olved—
“(i) a financial report containing such information as the Chairperson deems necessary to ensure that such financial assistance is expended in accordance with the terms and conditions under which it is provided; Report.

“(ii) a report describing the project, production, or program carried out with such financial assistance; and Report.

“(iii) if practicable, as determined by the Chairperson, a copy of such project, production, or program.

B) Such recipient shall comply with the requirements of this paragraph not later than 90 days after the end of the period for which such financial assistance is provided. The Chairperson may extend the 90-day period only if the recipient shows good cause why an extension should be granted.

3) If such recipient substantially fails to satisfy the purposes for which such financial assistance is provided and the criteria specified in the last sentence of subsection (a), as determined by the Chairperson of the Endowment that provided such financial assistance, the Chairperson may—

“(A) for purposes of determining whether to provide any subsequent financial assistance, take into consideration the results of the post-award evaluation conducted under this subsection;

“(B) prohibit the recipient of such financial assistance to use the name of, or in any way associate such project, production, or program with the Endowment that provided such financial assistance; and

“(C) if such project, production, or program is published, require that the publication contain the following statement: ‘The opinions, findings, conclusions, and recommendations expressed herein do not reflect the views of the National Endowment for the Arts or the National Endowment for the Humanities.’

e)(1) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, with the cooperation of the Secretary of Education, shall conduct jointly a study of— Study.
Education.
Schools and colleges.

“(A) the state of arts education and humanities education, as currently taught in the public elementary and secondary schools in the United States; and

“(B) the current and future availability of qualified instructional personnel, and other factors, affecting the quality of education in the arts and humanities in such schools.

2) The Endowments shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the study required by this subsection. Study.

3) Not later than two years after the date of the enactment of the Arts, Humanities, and Museums Amendments of 1985, the Endowments shall submit to the President, the Congress, and the public a report containing— Report.
Education.

“(A) the findings of the study under paragraph (1);

“(B) the Endowments’ views of the role of the arts and humanities in elementary and secondary education;

“(C) recommendations designed to encourage making arts and humanities education available throughout elementary and secondary schools;

“(D) recommendations for the participation by the National Endowment for the Arts and the National Endowment for the Humanities in arts education and humanities education in such schools; and

“(E) an evaluation of existing policies of the National Endowment for the Arts and the National Endowment for the Humanities that expressly or inherently affect the Endowments’ abilities to expand such participation.

Report.

“(f) Not later than October 1, 1987, each Endowment shall submit to the Congress a report detailing the procedures used in selecting experts for appointment to panels and the procedures applied by panels in making recommendations with respect to approval of applications for financial assistance under this Act, including procedures to avoid possible conflicts of interest which may arise in providing financial assistance under this Act.”.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDS AUTHORIZED FOR PROGRAM GRANTS.—Section 11(a)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)) is amended—

98 Stat. 224.

(1) in subparagraph (A) by striking out “\$115,500,000” and all that follows through “1985” and inserting in lieu thereof “\$121,678,000 for fiscal year 1986, \$123,425,120 for fiscal year 1987, \$128,362,125 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”; and

(2) in subparagraph (B) by striking out “\$114,500,000” and all that follows through “1985” and inserting in lieu thereof “\$95,207,000 for fiscal year 1986, \$99,015,280 for fiscal year 1987, \$102,975,891 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”.

(b) FUNDS AUTHORIZED TO MATCH NON-FEDERAL FUNDS RECEIVED.—Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking out “October 1, 1985” and inserting in lieu thereof “October 1, 1990”, and

(ii) by striking out “\$18,500,000” the first place it appears and all that follows through “1985” and inserting in lieu thereof “\$8,820,000 for fiscal year 1986, \$9,172,800 for fiscal year 1987, \$9,539,712 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”, and

(B) in subparagraph (B)—

(i) by striking out “October 1, 1985” and inserting in lieu thereof “October 1, 1990”,

(ii) in clause (ii) by inserting “and subgrantees” after “grantees” each place it appears, and

(iii) by striking out “\$12,500,000” and all that follows through “1985” and inserting in lieu thereof “\$10,780,000 for fiscal year 1986, \$11,211,200 for fiscal year 1987, \$11,659,648 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking out “October 1, 1985” and inserting in lieu thereof “October 1, 1990”, and

(ii) by striking out “\$27,000,000” and all that follows through “1985” and inserting in lieu thereof “\$20,580,000 for fiscal year 1986, \$21,403,200 for fiscal year 1987, \$22,259,328 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”,

(B) in subparagraph (B)—

(i) by striking out “October 1, 1985” and inserting in lieu thereof “October 1, 1990”, and

(ii) by striking out “\$30,000,000” and all that follows through “1985” and inserting in lieu thereof “\$19,600,000 for fiscal year 1986, \$20,384,000 for fiscal year 1987, \$21,199,360 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”, and

(C) in subparagraph (C)—

(i) by striking out “Chairman” and inserting in lieu thereof “Chairperson”, and

(ii) by striking out “he” and inserting in lieu thereof “the Chairperson”; and

(3) in paragraph (4) by striking out “Chairman” each place it appears and by inserting in lieu thereof “Chairperson”.

(c) FUNDS AUTHORIZED FOR ADMINISTRATION OF PROGRAMS OF THE NATIONAL ENDOWMENTS.—Section 11(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended—

(1) in paragraph (1) by striking out “\$14,000,000” and all that follows through “1985” and inserting in lieu thereof “\$15,982,000 for fiscal year 1986, \$16,205,280 for fiscal year 1987, \$16,853,491 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”;

(2) in paragraph (2) by striking out “\$13,000,000” and all that follows through “1985” and inserting in lieu thereof “\$14,291,000 for fiscal year 1986, \$14,446,640 for fiscal year 1987, \$15,024,506 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”; and

(3) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”.

(d) AUTHORIZATION MAXIMUMS.—Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d)(1) The total amount of appropriations to carry out the activities of the National Endowment for the Arts shall not exceed—

“(A) \$167,060,000 for fiscal year 1986,

“(B) \$170,206,400 for fiscal year 1987, and

“(C) \$177,014,656 for fiscal year 1988.

“(2) The total amount of appropriations to carry out the activities of the National Endowment for the Humanities shall not exceed—

“(A) \$139,878,000 for fiscal year 1986,

“(B) \$145,057,120 for fiscal year 1987, and

“(C) \$150,859,405 for fiscal year 1988.”

(e) **TECHNICAL AMENDMENT.**—Section 11(e) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)), as redesignated by subsection (d) of this section, is amended by striking out “under this title”.

SEC. 112. APPLICATION OF AMENDMENTS.

Prohibition.
Ante, pp. 1333,
1335.
20 USC 954 note.

The amendments made by sections 105(3) and 107(3) shall not apply with respect to plans submitted for financial assistance to be provided with funds appropriated for fiscal year 1986.

TITLE II—AMENDMENTS TO MUSEUM SERVICES ACT

SEC. 201. NATIONAL MUSEUM SERVICES BOARD.

98 Stat. 225.

Section 204 of the Museum Services Act (20 U.S.C. 963) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking out the second sentence and inserting in lieu thereof the following:

“Such members shall be selected from among citizens of the United States who are members of the general public and who are—

“(A) broadly representative of the various museums, including museums relating to science, history, technology, art, zoos, and botanical gardens, and of the curatorial, educational, and cultural resources of the United States; and

“(B) recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

Prohibition.

President of U.S.
Discrimination,
prohibition.

Members shall be appointed to reflect various geographical regions of the United States. The Board may not include, at any time, more than three members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved in such museums.”, and

(B) in paragraph (2)(A) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”;

(2) in the last sentence of subsection (b) by striking out “his” each place it appears and inserting in lieu thereof “such member’s”; and

(3) in subsections (c) and (d) by striking out “Chairman” each place it appears and inserting in lieu thereof “Chairperson”.

SEC. 202. DIRECTOR OF THE INSTITUTE.

98 Stat. 225.

Section 205(a)(2) of the Museum Services Act (20 U.S.C. 964(a)(2)) is amended by striking out “his” and inserting in lieu thereof “the Chairperson’s”.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

98 Stat. 225.

(a) Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended by striking out “\$25,000,000” and all that follows through “1985” and inserting in lieu thereof “\$21,600,000 for fiscal year 1986, \$22,464,000 for fiscal year 1987, \$23,362,560 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”.

(b) Section 209(d) of the Museum Services Act (20 U.S.C. 967(d)) is amended by striking out “1985” and inserting in lieu thereof “1990”.

TITLE III—AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT

301. FEDERAL COUNCIL MEMBERSHIP.

Section 2(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. (b)) is amended—

- (1) by inserting “(1)” after the subsection designation; and
 - (2) by adding at the end thereof the following new paragraph:
- (2) For purposes of this Act, the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, the member designated by the Chairman of the Senate Commission of Art and Antiquities and the member designated by the Speaker of the House of Representatives shall not serve as members of the Council.”.

Prohibition.

302. ELIGIBILITY FOR INDEMNITY.

- (a) Section 3(b)(1) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(b)(1)) is amended by striking out “, or elsewhere when part of an exchange of exhibitions, but in no case shall both parts of an exhibition be so covered” and inserting in lieu thereof “or elsewhere preferably when part of an exchange of exhibitions”.
- (b) The amendment made by paragraph (1) shall apply with respect to any exhibition which is certified under section 3(a) of the Arts and Artifacts Indemnity Act after the date of enactment of this Act.

20 USC 972 note.

303. INDEMNITY AGREEMENT.

- (a) Section 5(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. (b)) is amended by striking out “\$400,000,000” and inserting in lieu thereof “\$650,000,000”.
- (b) Section 5(c) of the Arts and Artifacts Indemnity Act (20 U.S.C. (c)) is amended by striking out “\$50,000,000” and inserting in lieu thereof “\$75,000,000”.

TITLE IV—ALTERNATIVE FEDERAL FUNDING OF THE ARTS AND HUMANITIES

401. STUDY OF ALTERNATIVE FUNDING OF THE ARTS AND THE HUMANITIES.

- (a) STUDY REQUIRED.—(1) The Comptroller General of the United States shall conduct a study to determine the feasibility of supplementing expenditures made from the general fund of the Treasury of the United States for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services through other Federal funding mechanisms. The study required by this section shall consider, but is not limited to, the consideration of the following funding sources:

(A) A revolving fund comprised of payments made to the Federal Government through an extension of the existing Federal copyright period for artistic, dramatic, literary, and musical works.

Copyrights.

(B) A revolving fund comprised of payments made to the Federal Government for the right to use or publicly perform artistic, dramatic, literary, and musical works in the public domain.

- (2) In carrying out the study required by this section, the Comptroller General shall frequently consult with and seek the advice of the Chairperson of the National Endowment for the Arts,

the Chairperson of the National Endowment for the Humanities, the Director of the Institute of Museum Services, the Register of Copyrights, the Chairman of the Labor and Human Resources Committee of the Senate, the Chairman of the Education and Labor Committee of the House of Representatives, the Chairman of the Committee on the Judiciary of the Senate, and the Chairman of the Committee on the Judiciary of the House of Representatives, concerning the scope, direction, and focus of the study.

(3) In conducting the study required by this section, the Comptroller General shall consider the impact which the implementation of each supplemental funding mechanism would have on—

Copyrights.

(A) any international copyright treaties, commitments, and obligations to which the United States is a party;

(B) public participation in the arts and the humanities;

(C) private, corporate, and foundation support for the arts and the humanities;

(D) the overall quality of arts and the humanities in the United States;

(E) the creative activities of individual authors and artists; and

Copyrights.

(F) the activities and operations of private copyrighting organizations.

(b) REPORT.—The Comptroller General shall prepare and submit to the Congress not later than one year after the date of enactment of this Act a report of the study required by this section, together with such recommendations as the Comptroller General deems appropriate.

TITLE V—CONSTITUTIONAL BICENTENNIAL EDUCATION PROGRAM

SEC. 501. EDUCATION PROGRAM FOR THE COMMEMORATION OF THE BICENTENNIAL OF THE CONSTITUTION OF THE UNITED STATES AND THE BILL OF RIGHTS.

(a) GENERAL AUTHORITY.—(1) The Commission on the Bicentennial of the United States Constitution shall, in accordance with the provisions of this section, carry out an education program for the commemoration of the bicentennial of the Constitution of the United States and the Bill of Rights.

(2) To commemorate the bicentennial anniversary of the Constitution of the United States and the Bill of Rights, the Commission—

Grants.
Schools and colleges.

(A) is authorized to make grants to local educational agencies, private elementary and secondary schools, private organizations, individuals, and State and local public agencies in the United States for the development of instructional materials and programs on the Constitution of the United States and the Bill of Rights which are designed for use by elementary or secondary school students; and

Schools and colleges.

(B) shall implement an annual national bicentennial Constitution and Bill of Rights competition based upon the programs developed and used by elementary and secondary schools.

(3) In carrying out the program authorized by this section, the Chairman of the Commission shall have the same authority as is established in section 10 of the National Foundation on the Arts and the Humanities Act of 1965.

b) **DEFINITION.**—For the purpose of this section, the term “commission” means the Commission on the Bicentennial of the United States Constitution.

c) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There are authorized to be appropriated \$5,000,000 for each of the fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out the provisions of this section. (2) Amounts appropriated pursuant to paragraph (1) may be used for necessary administrative expenses, including staff.

TITLE VI—POET LAUREATE CONSULTANT IN POETRY

C. 601. AUTHORITY FOR POET LAUREATE CONSULTANT IN POETRY.

2 USC 177.

a) **RECOGNITION OF THE CONSULTANT IN POETRY.**—The Congress recognizes that the Consultant in Poetry to the Library of Congress has for some time occupied a position of prominence in the life of the Nation, has spoken effectively for literary causes, and has occasionally performed duties and functions sometimes associated with the position of poet laureate in other nations and societies. Individuals are appointed to the position of Consultant in Poetry by the Library of Congress for one- or two-year terms solely on the basis of literary merit, and are compensated from endowment funds administered by the Library of Congress Trust Fund Board. The Congress further recognizes this position is equivalent to that of the Poet Laureate of the United States.

Library of Congress.

b) **POET LAUREATE CONSULTANT IN POETRY ESTABLISHED.**—(1) There is established in the Library of Congress the position of Poet Laureate Consultant in Poetry. The Poet Laureate Consultant in Poetry shall be appointed by the Librarian of Congress pursuant to the same procedures of appointment as established on the date of enactment of this section for the Consultant in Poetry to the Library of Congress.

Library of Congress.

(2) Each department and office of the Federal Government is encouraged to make use of the services of the Poet Laureate Consultant in Poetry for ceremonial and other occasions of celebration under such procedures as the Librarian of Congress shall provide designed to assure that participation under this paragraph does not impair the continuation of the work of the individual chosen to fill the position of Poet Laureate Consultant in Poetry.

Appropriation
authorization.

(c) **POETRY PROGRAM.**—(1) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, shall annually sponsor a program at which the Poet Laureate Consultant in Poetry will present a major work or the work of other distinguished poets.

(2) There are authorized to be appropriated to the National Endowment for the Arts \$10,000 for the fiscal year 1987 and for each succeeding fiscal year ending prior to October 1, 1990, for the purpose of carrying out this subsection.

Approved December 20, 1985.

LEGISLATIVE HISTORY—S. 1264 (H.R. 3248):

HOUSE REPORT No. 99-274 accompanying H.R. 3248 (Comm. on Education and Labor).

SENATE REPORT No. 99-125 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Oct. 3, considered and passed Senate.

Oct. 10, H.R. 3248 considered and passed House; proceedings vacated and S. 1264, amended, passed in lieu.

Dec. 3, Senate concurred in House amendments with amendment.

Dec. 4, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 21, No. 51 (1985):

Dec. 20, Presidential statement.

Public Law 99-195
in Congress

An Act

amend the Panama Canal Act of 1979 with respect to the payment of interest on the investment of the United States.

Dec. 23, 1985

[H.R. 664]

As it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section (b) of the Panama Canal Act of 1979 (22 U.S.C. 3712(b)) is amended by inserting immediately before the period at the end thereof the following: “; except that the part of the tolls and other receipts that covers interest on the investment of the United States in the Panama Canal pursuant to section 1602 and 1603 of this Act shall be deposited into the Treasury as miscellaneous receipts”. Section 1603(b)(2)(A) of the Panama Canal Act of 1979 (22 U.S.C. 3793(b)(2)(A)) is amended by striking out “Treasury” and inserting in lieu thereof “Panama Canal Commission Fund”. SEC. 2. The amendments made by this Act shall apply only to tolls and other receipts of the Commission deposited in the Treasury on or after the date of the enactment of this Act.

22 USC 3792;
3793.

22 USC 3712
note.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 664:

HOUSE REPORT No. 99-53 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 99-205 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 131 (1985):
May 6, considered and passed House.
Dec. 11, considered and passed Senate.

99 STAT. 1350

PUBLIC LAW 99-196—DEC. 23, 1985

Public Law 99-196
99th Congress

An Act

Dec. 23, 1985

[H.R. 1534]

To convert the temporary authority to allow Federal employees to work on a flexible or compressed schedule under title 5, United States Code, into permanent authority.

5 USC 6101 note.
Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Employees Flexible and Compressed Work Schedules Act of 1982 (Public Law 97-221; 96 Stat. 234) is repealed.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 1534:

HOUSE REPORT No. 99-82 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 131 (1985):

May 20, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 99-197
99th Congress

An Act

to designate certain national forest system lands in the State of Kentucky for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, and for other purposes.

Dec. 23, 1985
[H.R. 1627]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Kentucky Wilderness Act of 1985”.

SEC. 2. In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.) certain National Forest System lands situated within the Daniel Boone National Forest, Kentucky, which comprise approximately thirteen thousand three hundred acres as generally depicted on a map entitled “Clifty Wilderness—Proposed”, dated January 1985, are hereby designated as wilderness, and shall be known as the Clifty Wilderness.

Kentucky
Wilderness Act
of 1985.
16 USC 1132
note.

SEC. 3. Subject to valid existing rights, the Clifty Wilderness shall be administered by the Secretary of Agriculture as a component of the National Wilderness Preservation System in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

16 USC 1131
note.

SEC. 4. (a) The Congress finds that—

- (1) the Department of Agriculture has completed the Second Roadless Area Review and Evaluation Program (RARE II); and
- (2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Kentucky and of the environmental impacts associated with alternative allocations of such areas.

Conservation.

(b) On the basis of such review, the Congress hereby determines and directs that—

Congress.

- (1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Kentucky, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Kentucky;

- (2) with respect to the National Forest System lands in the State of Kentucky which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in further planning upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of

16 USC 1600
note.
16 USC 1600
note.

Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Kentucky reviewed in such final environmental statement or referenced in subsection (d) and not recommended for further planning as a result of the second roadless area review and evaluation program or designated as wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest Rangeland Renewable Resources Act of 1974, as amended by the National Forest Planning Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Kentucky are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Kentucky for the purposes of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Kentucky which are less than five thousand acres in size.

SEC. 5. As soon as practicable after enactment of this Act, the map and a legal description of the Clifty Wilderness shall be filed with the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives and the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the Senate, and such map and legal description shall have the same force and effect as if included in this Act: *Provided, however*, That

16 USC 1604.
16 USC 1600
note.

16 USC 1600
note.

16 USC 1600
note.
16 USC 1600
note.
Prohibition.

Public
availability.

rections of clerical and typographical errors in such legal descrip-
and map may be made.

pproved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 1627:

USE REPORT No. 99-411, Pt. I (Comm. on Interior and Insular Affairs).
GRESSIONAL RECORD, Vol. 131 (1985):
Dec. 9, considered and passed House.
Dec. 12, considered and passed Senate.

***Public Law 99-198**
99th Congress

An Act

Dec. 23, 1985
 [H.R. 2100]

Food Security
 Act of 1985.
 Farms and
 farming.
 Agriculture and
 agricultural
 commodities.
 7 USC 1281 note.

To extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Food Security Act of 1985".

TABLE OF CONTENTS

SEC. 2. The table of contents is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

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Subtitle A—Milk Price Support and Producer-Supported Dairy Program

Sec. 101. Milk price support, price reduction, and milk production termination programs for calendar years 1986 through 1990.

Sec. 102. Administrative procedures.

Sec. 103. Application of support price for milk.

Sec. 104. Avoidance of adverse effect of milk production termination program on beef, pork, and lamb producers.

Sec. 105. Domestic casein industry.

Sec. 106. Study relating to casein.

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Subtitle B—Dairy Research and Promotion

Sec. 121. National Dairy Research Endowment Institute.

Subtitle C—Milk Marketing Orders

Sec. 131. Minimum adjustments to prices for fluid milk under marketing orders.

Sec. 132. Adjustments for seasonal production; hearings on amendments; determination of milk prices.

Sec. 133. Marketwide service payments.

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Subtitle D—National Commission on Dairy Policy

Sec. 141. Findings and declaration of policy.

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Sec. 144. Administration.

Sec. 145. Financial support.

Sec. 146. Termination of commission.

Subtitle E—Miscellaneous

Sec. 151. Transfer of dairy products to the military and veterans hospitals.

Sec. 152. Extension of the dairy indemnity program.

Sec. 153. Dairy export incentive program.

*Note: The printed text of Public Law 99-198 is a reprint of the hand enrollment signed by the President on December 23, 1985.

TITLE II—WOOL AND MOHAIR

- . 201. Extension of price support program.
- . 202. Foreign promotion programs.

TITLE III—WHEAT

- . 301. Wheat poll.
- . 302. Marketing quotas.
- . 303. Marketing quota apportionment factor.
- . 304. Farm marketing quotas.
- . 305. Marketing penalties.
- . 306. Referendum.
- . 307. Transfer of farm marketing quotas.
- . 308. Loan rates, target prices, disaster payments, acreage limitation and set-aside programs, and land diversion for the 1986 through 1990 crops of wheat.
- . 309. Nonapplicability of certificate requirements.
- . 310. Suspension of land use, wheat marketing allocation, and producer certificate provisions.
- . 311. Suspension of certain quota provisions.
- . 312. Nonapplicability of section 107 of the Agricultural Act of 1949 to the 1986 through 1990 crops of wheat.

TITLE IV—FEED GRAINS

- . 401. Loan rates, target prices, disaster payments, acreage limitation and set-aside programs, and land diversion for the 1986 through 1990 crops of feed grains.
- . 402. Nonapplicability of section 105 of the agricultural act of 1949 to the 1986 through 1990 crops of feed grains.
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TITLE V—COTTON

- . 501. Loan rates, target prices, disaster payments, acreage limitation program, and land diversion for the 1986 through 1990 crops of upland cotton.
- . 502. Suspension of base acreage allotments, marketing quotas, and related provisions.
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- . 505. Skiprow practices.
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TITLE I—DAIRY

Subtitle A—Milk Price Support and Producer-Supported Dairy Program

MILK PRICE SUPPORT, PRICE REDUCTION, AND MILK PRODUCTION TERMINATION PROGRAMS FOR CALENDAR YEARS 1986 THROUGH 1990

Ante, p. 818.

SEC. 101. (a) Section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

“(1)(A) During the period beginning on January 1, 1986, and ending on December 31, 1990, the price of milk shall be supported as provided in this subsection.

“(B) During the period beginning on January 1, 1986, and ending on December 31, 1986, the price of milk shall be supported at a rate equal to \$11.60 per hundredweight for milk containing 3.67 percent milkfat.

“(C)(i) During the period beginning on January 1, 1987, and ending on September 30, 1987, the price of milk shall be supported at a rate equal to \$11.35 per hundredweight for milk containing 3.67 percent milkfat.

“(ii) Except as provided in subparagraph (D), during the period beginning on October 1, 1987, and ending on December 31, 1990, the price of milk shall be supported at a rate equal to \$11.10 per hundredweight for milk containing 3.67 percent milkfat.

7 USC 1427.

“(D)(i) Subject to clause (ii), if for any of the calendar years 1988, 1989, and 1990, the level of purchases of milk and the products of milk under this subsection (less sales under section 407 for unrestricted use), as estimated by the Secretary on January 1 of such calendar year, will exceed 5,000,000,000 pounds (milk equivalent), on January 1 of such calendar year, the Secretary shall reduce by 50 cents the rate of price support for milk as in effect on such date.

Prohibition.

“(ii) The rate of price support for milk may not be reduced under clause (i) unless—

“(I) the milk production termination program under paragraph (3) achieved a reduction in the production of milk by participants in the program of at least 12,000,000,000 pounds during the 18 months of the program; or

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“(II) the Secretary submits to Congress a certification, including a statement of facts in support of the certification of the Secretary, that reasonable contract offers were extended by the Secretary under such program but such offers were not accepted by a sufficient number of producers making reasonable bids for contracts to achieve such a reduction in production.

“(E) If for any of the calendar years 1988, 1989, and 1990, the level of purchases of milk and the products of milk under this

subsection (less sales under section 407 for unrestricted use), as estimated by the Secretary on January 1 of such calendar year, will not exceed 2,500,000,000 pounds (milk equivalent), the Secretary shall increase by 50 cents the rate of price support for milk in effect on such date.

“(F) The price of milk shall be supported through the purchase of milk and the products of milk.

“(2)(A) During the period beginning on April 1, 1986, and ending on September 30, 1987, the Secretary shall provide for a reduction to be made in the price received by producers for all milk produced in the United States and marketed by producers for commercial use.

“(B) The amount of the reduction under subparagraph (A) in the price received by producers shall be—

“(i) the period beginning on April 1, 1986, and ending on December 31, 1986, 40 cents per hundredweight of milk marketed; and

“(ii) during the first 9 months of 1987, 25 cents per hundredweight of milk marketed.

“(C) The funds represented by the reduction in price, required under subparagraph (A) to be applied to the marketings of milk by a producer, shall be collected and remitted to the Commodity Credit Corporation, at such time and in such manner as prescribed by the Secretary, by each person making payment to a producer for milk purchased from such producer, except that in the case of a producer who markets milk of the producer's own production directly to consumers, such funds shall be remitted directly to the Corporation by such producer.

“(D) The funds remitted to the Corporation under this paragraph shall be considered as included in the payments to a producer of milk for purposes of the minimum price provisions of the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.”.

b) Paragraph (3) of section 201(d) of the Agricultural Act of 1949 U.S.C. 1446(d)) is amended by—

(1) striking out subparagraphs (A) through (G), and inserting in lieu thereof the following:

“(A)(i) The Secretary shall establish and carry out under this paragraph a milk production termination program for the 18-month period beginning April 1, 1986.

“(ii) Under the milk production termination program required under this subparagraph, the Secretary, at the request of any producer of milk in the United States who submits to the Secretary a bid, may offer to enter into a contract with the producer for the purpose of terminating the production of milk by the producer in return for a payment to be made by the Secretary.

“(iii) For the 18-month period for which the milk production termination program under this subparagraph is in effect, the Secretary shall—

“(I) as soon as practicable, determine the total number of dairy cattle the Secretary estimates will be marketed for slaughter as a result of such program; and

“(II) by regulation specify marketing procedures to ensure that greater numbers of dairy cattle slaughtered as a result of the production termination program provided for

7 USC 1427.

7 USC 674.
Animals.
Exports.

Contracts.

Regulation.

in this section shall be slaughtered in each of the periods of April through August 1986, and March through August 1987 than for the other months of the program. Such procedures also shall ensure that such sales of dairy cattle for slaughter shall occur on a basis estimated by the Secretary that maintains historical seasonal marketing patterns. During such 18-month period, the Secretary shall limit the total number of dairy cattle marketed for slaughter under the program in excess of the historical dairy herd culling rate to no more than 7 percent of the national dairy herd per calendar year.

Contracts. “(iv) Each contract made under this subparagraph shall provide that—

“ (I) the producer shall sell for slaughter or for export all the dairy cattle in which such producer owns an interest;

Regulations. “ (II) during a period of 3, 4, or 5 years, as specified by the Secretary in each producer contract and beginning on the day the producer completes compliance with subclause (I), the producer neither shall acquire any interest in dairy cattle or in the production of milk nor acquire, or make available to any person, any milk production capacity of a facility that becomes available because of compliance by a producer with such subclause unless the Secretary shall by regulation otherwise permit; and

“ (III) if the producer fails to comply with such contract, the producer shall repay to the Secretary the entire payment received under the contract, including simple interest payable at a rate prescribed by the Secretary, which shall, to the extent practicable, reflect the cost to the Corporation of its borrowings from the Treasury of the United States, commencing on the date payment is first received under such contract.

Contracts. “ (v) Any producer of milk who seeks to enter into a contract for payments under this paragraph shall provide the Secretary with (I) evidence of such producer’s marketing history; (II) the size and composition of the producer’s dairy herd during the period the marketing history is determined; and (III) the size and composition of the producer’s dairy herd at the time the bid is submitted, as the Secretary deems necessary and appropriate.

Prohibition. “ (vi) Except as provided in subparagraph (D), no producer who
Contracts. commenced marketing of milk in the 15-month period ending March 31, 1986, shall be eligible to enter into a contract for payments under this subparagraph.

Contracts. “ (vii) A contract entered into under this paragraph by a producer who by reason of death cannot perform or assign such contract may be performed or assigned by the estate of such producer.

“ (B) The Secretary may establish and carry out a milk diversion or milk production termination program for any of the calendar years 1988, 1989, and 1990 as necessary to avoid the creation of burdensome excess supplies of milk or milk products.

Contracts. “ (C) In setting the terms and conditions of any milk diversion
Beef. or milk production termination under this paragraph and of
Pork. each contract made under this subparagraph, the Secretary
Poultry. shall take into account any adverse effect of such program or contracts on beef, pork, and poultry producers in the United States and shall take all feasible steps to minimize such effect.

“(D) A producer who commenced marketing milk after December 31, 1984, shall be eligible to enter into a contract for payments under this subparagraph if such producer’s entire milk production facility and entire dairy herd were transferred to the producer by reason of a gift from, or the death of, a member or members of the family of the producer. The term ‘member of the family of the producer’ means (i) an ancestor of the producer, (ii) the spouse of the producer, (iii) a lineal descendant of the producer, or the producer’s spouse, or a parent of the producer, or (iv) the spouse of any such lineal descendant.”;

Contracts.

(2) striking out subparagraphs (H), (I), (J), (L), and (O); and
(3) redesignating subparagraph (K) as subparagraph (E).

Paragraph (5)(B) of section 201(d) of the Agricultural Act of (7 U.S.C. 1446(d)(5)(B)) is amended by—

Animals.
Exports.

(1) striking out “(i)”;
(2) striking out “, (ii)” and inserting in lieu thereof “or”;
(3) striking out “, or (iii)” and all that follows through “paragraph (3)”;
(4) redesignating the text thereof as clause (i);

(5) adding at the end thereof the following:

i) Each person who buys, from a producer with respect to whom there is in effect at the time of such sale a contract entered into under paragraph (3), one or more dairy cattle sold for slaughter or export, who knows that such cattle are sold for slaughter or export, who fails to cause the slaughter or export of such cattle within a reasonable time after receiving such cattle shall be liable for a civil penalty of not more than \$5,000 with respect to each of such cattle.

Contracts.

iii) Each person who retains or acquires an interest in dairy cattle or the production of milk in violation of a contract entered under this paragraph shall be liable, in addition to any amount under paragraph (3)(A)(iv), to a marketing penalty on the quantity of milk produced during the period in which such owner is prohibited under the contract. Such penalty shall be computed at the rate or rates of the support price for milk in effect during the period in which the milk production occurred.

Contracts.

v) Each person who makes a false statement in a bid submitted under paragraph (3) as to (I) the marketings of milk for commercial use by the producer, or (II) the size or composition of the dairy herd that produced such marketings, or (III) the size or composition of the dairy herd at the time the bid is submitted shall be subject, in addition to any amount due under paragraph (3)(A)(iv) or clause (iii) of this subparagraph, to a civil penalty of \$5,000 for each head of cattle to which such statement applied.”.

v) Each person who makes a false statement as to the number of dairy cattle that was sold for slaughter or export under a contract entered under paragraph (3)(A) shall be subject, in addition to any amount under paragraph (3)(A)(iv) or clause (iii) of this subparagraph, to a civil penalty of not more than \$5,000 for each head of cattle to which such statement applied.”.

Contracts.

Section 201(c) of the Agricultural Act of 1949 (7 U.S.C. 1446(c)) is amended by striking out “The price” and inserting in lieu thereof “except as provided in subsection (d), the price”.

Section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)) is amended by adding at the end thereof the following:

Ante, p. 1362.

“(7) The Secretary shall carry out this subsection through the Commodity Credit Corporation.”.

Effective date. (f) The provisions of this section shall become effective January 1,
7 USC 1446 note. 1986.

ADMINISTRATIVE PROCEDURES

Prohibition. SEC. 102. Section 553 of title 5, United States Code, shall not apply
7 USC 1446 note. with respect to the implementation of section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)) by the Secretary of Agriculture, as amended by section 101, including determinations made regarding—

- (1) the level of price support for milk;
- (2) any reduction in the prices paid to producers of milk; and
- (3) the milk production termination program.

APPLICATION OF SUPPORT PRICE FOR MILK

Prohibition. SEC. 103. For purposes of supporting the price of milk under
7 USC 1446 note. section 201(d) of the Agricultural Act of 1949, the Secretary of Agriculture may not take into consideration any market value of whey.

AVOIDANCE OF ADVERSE EFFECT OF MILK PRODUCTION TERMINATION PROGRAM ON BEEF, PORK, AND LAMB PRODUCERS

7 USC 1446 note. SEC. 104. To minimize the adverse effect of the milk production termination program on beef, pork, and lamb producers in the United States during the 18-month period for which such program is in effect under section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)), in such period—

Ante, p. 1362.

(1) the Secretary of Agriculture shall use funds available for the purposes of clause (2) of section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes" (7 U.S.C. 612c), approved August 14, 1935, including the contingency funds appropriated under such section 32, and other funds available to the Secretary under the commodity distribution and other nutrition programs of the Department of Agriculture, and including funds available through the Commodity Credit Corporation, to purchase and distribute 200,000,000 pounds of red meat in addition to those quantities normally purchased and distributed by the Secretary. Such purchases by the Secretary shall not reduce purchases of any other agricultural commodities under section 32;

(2) the Secretary of Agriculture shall use funds available through the Commodity Credit Corporation to purchase 200,000,000 pounds of red meat, in addition to those quantities normally purchased and distributed by the Secretary, and to make such meat available—

(A) to the Secretary of Defense, on a nonreimbursable basis, for use in commissaries on military installations located outside of the United States; or

(B) for export under the authority of any law in effect on or after the date of the enactment of this Act;

(3) the Secretary of Defense and other Federal agencies, to the maximum extent practicable, shall use increased quantities of red meat to meet the food needs of the programs that they administer, and State agencies are encouraged to cooperate in such effort; and

State and local governments.

(4) the Secretary of Agriculture shall encourage the consumption of red meat by the public.

DOMESTIC CASEIN INDUSTRY

SEC. 105. (a) The Commodity Credit Corporation shall provide surplus stocks of nonfat dry milk of not less than 1,000,000 pounds annually to individuals or entities on a bid basis. 7 USC 1446c-2.

(b) The Commodity Credit Corporation may accept bids at lower than the resale price otherwise required by law, in order to promote the strengthening of the domestic casein industry.

(c) The Commodity Credit Corporation shall take appropriate action to ensure that the nonfat dry milk sold by the Corporation under this section is used only for the manufacture of casein.

STUDY RELATING TO CASEIN

SEC. 106. The Secretary of Agriculture shall conduct a study to determine whether imports of casein tend to interfere with or render ineffective the milk price support program of the Department of Agriculture. Not later than 60 days after the date of the enactment of this Act, the Secretary shall report the results of such study to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate. Imports.

CIRCUMVENTION OF HISTORICAL DISTRIBUTION OF MILK

SEC. 107. The Secretary of Agriculture shall—

(1) monitor the Commodity Credit Corporation purchases of the products of milk during 1986 and 1987; and 7 USC 1446 note.

(2) report to Congress, on a quarterly basis, on disruptions of, or attempts by handlers or cooperative marketing associations to circumvent, the historical distribution of milk among processors during the milk production termination program. Report.

APPLICATION OF AMENDMENTS

SEC. 108. The amendments made by this subtitle shall not affect any liability of any person under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) as in effect before the date of the enactment of this Act. Prohibition.
7 USC 1446 note.

Subtitle B—Dairy Research and Promotion

NATIONAL DAIRY RESEARCH ENDOWMENT INSTITUTE

SEC. 121. The Dairy Production Stabilization Act of 1983 (7 U.S.C. 121 note, et seq.) is amended by adding at the end thereof the following:

“Subtitle C—Dairy Research Program

“DEFINITIONS

“SEC. 130. For purposes of this subtitle—

“(1) the term ‘board’ means the board of trustees of the Institute; 7 USC 4531.

“(2) the term ‘Department’ means the Department of Agriculture;

"(3) the term 'dairy products' means manufactured products that are derived from the processing of milk, and includes fluid milk products;

"(4) the term 'fluid milk products' means those milk products normally consumed in liquid form as a beverage;

"(5) the term 'Fund' means the Dairy Research Trust Fund established by section 135;

"(6) the term 'Institute' means the National Dairy Research Endowment Institute established by section 131;

"(7) the term 'milk' means any class of cow's milk marketed in the United States;

"(8) the term 'person' means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity;

"(9) the term 'producer' means any person engaged in the production of milk for commercial use;

"(10) the term 'research' means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and dairy products, and other related efforts to expand demand for milk and dairy products;

"(11) the term 'Secretary' means the Secretary of Agriculture unless the context specifies otherwise; and

"(12) the term 'United States' means the several States and the territories and possessions of the United States, except that for purposes of sections 131, 133(a), and 136, and paragraph (1) of this section, such term means the forty-eight contiguous States in the continental United States.

"ESTABLISHMENT OF NATIONAL DAIRY RESEARCH ENDOWMENT INSTITUTE

"SEC. 131. The Secretary of Agriculture may establish in the Department of Agriculture a National Dairy Research Endowment Institute whose function shall be to aid the dairy industry through the implementation of the dairy products research order, which its board of trustees shall administer, and the use of monies made available to its board of trustees from the Dairy Research Trust Fund to implement the order. In implementing the order, the Institute shall provide a permanent system for funding scientific research activities designed to facilitate the expansion of markets for milk and dairy products marketed in the United States. The Institute shall be headed by a board of trustees composed of the members of the National Dairy Promotion and Research Board. The board may appoint from among its members an executive committee whose membership shall reflect equally each of the different regions in the United States in which milk is produced. The executive committee shall have such duties and powers as are delegated to it by the board. The members of the board shall serve without compensation. While away from their homes or regular places of business in the performance of services for the board, members of the board shall be allowed reasonable travel expenses, including a per diem allowance in lieu of subsistence, as recommended by the board and approved by the Secretary, except that there shall be no duplication of payment for such expenses.

Post, p. 1371;
infra.

Post, pp. 1369,
1371.

Research and
development.
7 USC 4532.

"ISSUANCE OF ORDER

SEC. 132. (a) After receipt of a proposed dairy products research order, the Secretary may publish such proposed order in the Federal Register and shall give notice and reasonable opportunity for public comment on such proposed order. Such proposed order may be submitted by an organization certified under section 114 or by any interested person affected by the provisions of subtitle B.

Federal
Register,
publication.
7 USC 4533.

7 USC 4505.

(b) After the Secretary provides for such publication and a reasonable opportunity for a hearing under subsection (a), the Secretary may issue the dairy products research order. The order so issued shall become effective not later than 90 days after publication in the Federal Register of the order.

Effective date.

(c) The Secretary may amend, from time to time, the dairy products research order issued under subsection (b).

REQUIRED TERMS OF ORDER; AGREEMENTS UNDER ORDER; RECORDS

SEC. 133. (a) The dairy products research order issued under section 132(b) shall—

Research
and
development.
7 USC 4534.

"(1) provide for the establishment and administration, by the Institute, of appropriate scientific research activities designed to facilitate the expansion of markets for dairy products marketed in the United States;

"(2) specify the powers of the board, including the powers to—

"(A) receive and evaluate, or on its own initiative develop and budget for, research plans or projects designed to—

"(i) increase the knowledge of human nutritional needs and the relationship of milk and dairy products to these needs;

"(ii) improve dairy processing technologies, particularly those appropriate to small- and medium-sized family farms;

"(iii) develop new dairy products; and

"(iv) appraise the effect of such research on the marketing of dairy products;

"(B) make recommendations to the Secretary regarding such plans and projects;

"(C) administer the order in accordance with its terms and provisions;

"(D) make rules and regulations to effectuate the terms and provisions of the order;

Regulations.

"(E) receive, investigate, and report to the Secretary complaints of violations of the order;

Report.

"(F) recommend to the Secretary amendments to the order;

"(G) enter into agreements, with the approval of the Secretary, for the conduct of activities authorized under the order and for payment of the cost of such activities with any monies in the Fund other than monies appropriated or transferred by the Secretary to the Fund;

"(H) with the approval of the Secretary, establish advisory committees composed of individuals other than members of the board, and pay the necessary and reasonable expenses and fees of the members of such committees; and

"(I) with the approval of the Secretary, appoint or employ such persons, other than members of the board, as the

board deems necessary and define the duties and determine the compensation of each;

"(3) specify the duties of the board, including the duties to—
 "(A) develop, and submit to the Secretary for approval before implementation, any research plan or project to be carried out under this subtitle;

"(B) submit to the Secretary for approval, budgets, on a fiscal year basis, of the board's anticipated expenses and disbursements in the administration of the order, including projected costs of carrying out dairy products research plans and projects;

Report.

"(C) prepare and make public, at least annually, a report of the board's activities and an accounting for funds received and expended by the board;

Records.

"(D) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe;

Reports.

"(E) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

"(F) account for the receipt and disbursement of all funds entrusted to the board;

"(4) prohibit any monies received under this subtitle by the board to be used in any manner for the purpose of influencing governmental policy or actions, except as provided in paragraph (2)(F); and

Records.
Reports.

"(5) require that each person receiving milk from producers for commercial use and any person marketing milk of the person's own production directly to consumers maintain and make available for inspection by the Secretary such books and records as may be required by the order and file with the Secretary reports at the time, in the manner, and having the content prescribed by the order.

"(b) Any agreement made under subsection (a)(2)(G) shall provide that—

"(1) the person with whom such agreement is made shall develop and submit to the board a research plan or project together with a budget that shows estimated costs to be incurred to carry out such plan or project;

Effective date.

"(2) such plan or project shall become effective on the approval of the Secretary; and

Records.
Reports.

"(3) such person shall keep accurate records of all of the transactions, account for funds received and expended, make periodic reports to the board of activities conducted to carry out such plan or project, and submit such other reports as the Secretary or the board may require.

Records.
Reports.

"(c)(1) Information, books, and records made available to, and reports filed with, the Secretary under subsection (a)(6) shall be kept confidential by all officers and employees of the Department, except that such information, books, records, and reports as the Secretary deems relevant may be disclosed by such officers and employees in any suit or administrative proceeding that is brought at the request of the Secretary or to which the Secretary or any officer of the United States is a party, and that involves the order issued under section 132(b).

Ante, p. 1369.
Prohibition.
Records.
Reports.

"(2) Paragraph (1) shall not be construed to prohibit—

"(A) the issuance of general statements, based on such information, books, records, and reports, of the number of p

sons subject to the order or of statistical data collected from such persons if such statements do not specifically identify the data furnished by any one of such persons; or

“(B) the publication, at the direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by the person.

3) No information obtained under the authority of this section shall be made available to any agency, officer, or employee of the United States for any purpose other than the implementation of this subtitle and any investigatory or enforcement action necessary to implement this subtitle. Any person who violates this paragraph shall be subject to a fine of not more than \$1,000, or to imprisonment for not more than one year, or both, and, if such person is employed by the board or the Department, shall be terminated from such employment.

Prohibition.
Government
organization and
employees.

“PETITION AND REVIEW; ENFORCEMENT; INVESTIGATIONS

SEC. 134. The provisions of sections 118, 119, and 120 shall apply, except when inconsistent with this subtitle, to the Institute, the board, the persons subject to the order issued under section 132(b), the jurisdiction of district courts of the United States, and the authority of the Secretary under this subtitle in the same manner as the provisions of sections 118, 119, and 120 apply with respect to subtitle B.

7 USC 4535.
7 USC
4509-4511.
Ante, p. 1369.

“DAIRY RESEARCH TRUST FUND

SEC. 135. (a) There may be established in the Treasury of the United States a trust fund to be known as the ‘Dairy Research Trust Fund’ if the Institute is established under section 131 and a dairy products research order issued under section 132 is effective during any fiscal year.

7 USC 4536.

(b)(1) There is authorized to be appropriated to the Fund or transferred from moneys available to the Commodity Credit Corporation for deposit in the Fund, \$100,000,000.

Ante, p. 1368.

(2) Moneys deposited in the Fund under paragraph (1) shall be invested by the Secretary of the Treasury in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing instrument or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States. Interest, dividends, and other payments that accrue from such investments shall be deposited in the Fund and also shall be so invested, subject to section (c).

Banks and
banking.

(c) Moneys in the Fund, other than moneys appropriated or transferred under paragraph (1) of subsection (b), shall be available to the board, in such amounts, and for such activities authorized by this subtitle, as the Secretary may approve.

“TERMINATION OF ORDER, INSTITUTE, AND FUND

SEC. 136. (a) The Secretary, whenever the Secretary finds that an order issued under this subtitle or any provision of such order restricts or does not tend to facilitate the expansion of markets for milk and dairy products marketed in the United States, shall terminate or suspend the operation of the order or such provision.

7 USC 4537.

“(b) If the Secretary terminates the order, the Institute shall be dissolved 180 days after the termination of the order.

“(c) If the Institute is dissolved for any reason, the moneys remaining in the Fund shall be disposed of as shall be agreed to by the board and the Secretary.

“ADDITIONAL AUTHORITY

Prohibition.
7 USC 4538.

“SEC. 137. (a) No provision of this subtitle shall be construed to preempt or supersede any other program relating to milk or dairy products research organized and operated under the laws of the United States or any State.

Ante, p. 1369.

“(b) The provisions of this subtitle applicable to the order issued under section 132(b) shall be applicable to any amendment to the order.”.

Subtitle C—Milk Marketing Orders

MINIMUM ADJUSTMENTS TO PRICES FOR FLUID MILK UNDER MARKETING ORDERS

7 USC 674.

SEC. 131. (a) Section 8c(5)(A) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(A)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following: “Throughout the 2-year period beginning on the effective date of this sentence (and subsequent to such 2-year period unless modified by amendment to the order involved), the minimum aggregate amount of the adjustments, under clauses (1) and (2) of the preceding sentence, to prices for milk of the highest use classification under orders that are in effect under this section on the date of the enactment of the Food Security Act of 1985 shall be as follows:

Ante, p. 1354.

	Minimum Aggregate Dollar Amount of Such Adjustments Per Hundredweight of Milk Having 3.5 Percent Milkfat
“Marketing Area Subject to Order	
New England.....	\$3.24
New York-New Jersey.....	3.14
Middle Atlantic.....	3.03
Georgia.....	3.08
Alabama-West Florida.....	3.08
Upper Florida.....	3.58
Tampa Bay.....	3.88
Southeastern Florida.....	4.18
Michigan Upper Peninsula.....	1.35
Southern Michigan.....	1.75
Eastern Ohio-Western Pennsylvania.....	1.95
Ohio Valley.....	2.04
Indiana.....	2.00
Chicago Regional.....	1.40
Central Illinois.....	1.61
Southern Illinois.....	1.92
Louisville-Lexington-Evansville.....	2.11
Upper Midwest.....	1.20
Eastern South Dakota.....	1.50
Black Hills, South Dakota.....	2.05
Iowa.....	1.55
Nebraska-Western Iowa.....	1.75
Greater Kansas City.....	1.92
Tennessee Valley.....	2.77
Nashville, Tennessee.....	2.52
Paducah, Kentucky.....	2.39
Memphis, Tennessee.....	2.77
Central Arkansas.....	2.77

Fort Smith, Arkansas.....	2.77
Southwest Plains.....	2.77
Texas Panhandle.....	2.49
Lubbock-Plainview, Texas.....	2.49
Texas.....	3.28
Greater Louisiana.....	3.28
New Orleans-Mississippi.....	3.85
Eastern Colorado.....	2.73
Western Colorado.....	2.00
Southwestern Idaho-Eastern Oregon.....	1.50
Great Basin.....	1.90
Lake Mead.....	1.60
Central Arizona.....	2.52
Rio Grande Valley.....	2.35
Puget Sound-Inland.....	1.85
Oregon-Washington.....	1.95

Effective at the beginning of such two-year period, the minimum prices for milk of the highest use classification shall be adjusted for the locations at which delivery of such milk is made to such handlers.”.

(b) The amendment made by this section shall take effect on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

Effective date.
7 USC 608c
note.

ADJUSTMENTS FOR SEASONAL PRODUCTION; HEARINGS ON AMENDMENTS; DETERMINATION OF MILK PRICES

SEC. 132. Section 101(b) of the Agriculture and Food Act of 1981 (7 U.S.C. 608c note) is amended by striking out “1985” and inserting in lieu thereof “1990”.

MARKETWIDE SERVICE PAYMENTS

SEC. 133. Effective January 1, 1986, section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end thereof the following:

Effective date.
Ante, p. 1372.
7 USC 674.

“(J) Providing for the payment, from the total sums payable by all handlers for milk (irrespective of the use classification of such milk) and before computing uniform prices under paragraph (A) and making adjustments in payments under paragraph (C), to handlers that are cooperative marketing associations described in paragraph (F) and to handlers with respect to which adjustments in payments are made under paragraph (C), for services of marketwide benefit, including but not limited to—

“(i) providing facilities to furnish additional supplies of milk needed by handlers and to handle and dispose of milk supplies in excess of quantities needed by handlers;

“(ii) handling on specific days quantities of milk that exceed the quantities needed by handlers; and

“(iii) transporting milk from one location to another for the purpose of fulfilling requirements for milk of a higher use classification or for providing a market outlet for milk of any use classification.”.

STATUS OF PRODUCER HANDLERS

SEC. 134. The legal status of producer handlers of milk under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937,

7 USC 674.

shall be the same after the amendments made by this title take effect as it was before the effective date of such amendments.

Subtitle D—National Commission on Dairy Policy

FINDINGS AND DECLARATION OF POLICY

7 USC 1446
note.

SEC. 141. (a) Congress finds that—

(1) the Federal program established to support the price of milk marketed by producers in the United States was created to provide price and income protection for milk producers as well as to assure consumers of an adequate supply of milk and dairy products at reasonable prices;

(2) the milk production industry in the United States is composed primarily of small- and medium-sized family farm operations;

(3) consumers in the United States benefit financially from a milk price support program that prohibits large fluctuations in the price and supply of milk and dairy products;

(4) consumers in the United States also benefit financially from the current structure of the domestic milk production industry; and

(5) the Office of Technology Assessment, in its report entitled "Technology, Public Policy, and the Changing Structure of American Agriculture", found that larger milk production operations already enjoy a major advantage in the production of milk and that, under current Federal policy, the development and use of new technologies will permit a continued trend toward fewer and larger milk production operations throughout the country.

(b) It is hereby declared to be the policy of Congress to respond to the development of new technologies in the domestic milk production industry by reviewing the present milk price support program and its alternatives, and by adopting such policies as are needed to prevent significant surplus production in the future while ensuring that the current small- and medium-sized family farm structure of such industry will be preserved for new generations of producers and consumers alike.

ESTABLISHMENT OF COMMISSION

7 USC 1446
note.

SEC. 142. (a) There is hereby established a National Commission on Dairy Policy, which shall study and make recommendations concerning the future operation of the Federal program established to support the price of milk marketed by producers in the United States.

(b) The Commission shall be composed of eighteen members who are engaged in the commercial production of milk in the United States, to be appointed by the Secretary of Agriculture. Not fewer than twelve members shall be appointed from nominations submitted to the Secretary by the following Members of Congress, after consultation with the other Members of Congress who sit on the specified committee of the respective House of Congress:

(1) The Chairman of the Committee on Agriculture of the House of Representatives.

(2) The ranking minority member of the Committee on Agriculture of the House of Representatives.

(3) The Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(4) The ranking minority member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Each such Member of Congress shall make not fewer than eighteen such nominations for appointment to the Commission, but not more than two such nominations for any particular vacancy on the Commission. The Secretary shall appoint not fewer than three individuals from among the nominations submitted by each such Member of Congress. Each member of the Commission shall represent a milk-producing region of the United States. A region may be made up of more than one State and may be represented by more than one member of the Commission. In making such appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of milk production volume throughout the United States. In determining geographical representation, whole States shall be considered as a unit.

(c) A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(d) The Commission shall elect a chairman from among the members of the Commission.

(e) The Commission shall meet at the call of the chairman or a majority of the members of the Commission.

STUDY AND RECOMMENDATIONS

SEC. 143. (a) The National Commission on Dairy Policy shall study—

- (1) the current Federal price support program for milk;
- (2) alternatives to such program;
- (3) the future functioning of such program;
- (4) new technologies that will become a part of the milk production industry before the end of this century;
- (5) the effect that developing technologies will have on surplus milk production; and

(6) the future structure of the milk production industry. In conducting such study, the Commission shall consider, among other things, how effective the current Federal price support program for milk will be in preventing significant surpluses of dairy products in the future, how well such program will respond to the challenges to the family farm structure of the milk production industry created by developing technologies, and whether or not a better response to those challenges could be achieved through modifications or revisions of current Federal policy.

(b) On the basis of its study, the Commission shall make findings and develop recommendations for consideration by the Secretary of Agriculture and Congress with respect to the future operation of the Federal price support program for milk.

(c) The Commission shall submit to the Secretary of Agriculture and Congress, not later than March 31, 1987, a report containing the results of its study and recommendations based on such results.

Science and
technology.
7 USC 1446
note.

Report.

ADMINISTRATION

SEC. 144. (a) The heads of executive agencies, the General Accounting Office, the Office of Technology Assessment, and the Congressional Budget Office, to the extent permitted by law, shall

7 USC 1446
note.

provide to the National Commission on Dairy Policy such information as the Commission may require to carry out its duties and functions.

(b) Members of the Commission shall serve without compensation for work on the Commission. While away from their homes or regular places of business in the performance of duties of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service under section 5703 of title 5 of the United States Code.

(c) To the extent there are sufficient funds available to the Commission in advance under section [139], and subject to such rules as may be adopted by the Commission, the Commission, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification and General Schedule pay rates, may—

(1) appoint and fix the compensation of a director; and

(2) appoint and fix the compensation of such additional personnel as the Commission determines necessary to assist it to carry out its duties and functions.

(d) On the request of the Commission, the heads of executive agencies, the General Accounting Office, and the Office of Technology Assessment may furnish the Commission with such personnel and support services as the head of the agency, or office, and the chairman of the Commission agree are necessary to assist the Commission to carry out its duties and functions. The Commission shall not be required to pay or reimburse any agency or office for personnel and support services provided under this subsection.

(e) The Commission shall be exempt from sections 7(d), 10(e), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5 of the United States Code.

FINANCIAL SUPPORT

SEC. 145. (a) Following the appointment or designation of the members of the National Commission on Dairy Policy, notwithstanding the provisions of section 1342 of title 31 of the United States Code, the Secretary of Agriculture may receive on behalf of the Commission, from persons, groups, and entities within the United States, contributions of money and services to assist the Commission to carry out its duties and functions. Any money contributed under this section shall be made available to the Commission to carry out this subtitle. In no event may the Secretary accept an aggregate amount of contributions from any one person, group, or entity exceeding 10 percent of the budget of the Commission.

(b) If the contributions under subsection (a) are insufficient to carry out this subtitle, the Secretary of Agriculture may transfer to the Commission, from funds available to the Commodity Credit Corporation, an amount not to exceed \$1,000,000 to carry out this subtitle.

5 USC 5101
et seq., 5331
et seq.

7 USC 1446
note.

Prohibition.

TERMINATION OF COMMISSION

SEC. 146. The National Commission on Dairy Policy shall cease to exist thirty days following the submission of its report to the Secretary of Agriculture and Congress. 7 USC 1446 note.

Subtitle E—Miscellaneous

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND VETERANS HOSPITALS

SEC. 151. Subsections (a) and (b) of section 202 of the Agricultural Act of 1949 (7 U.S.C. 1446a) are each amended by striking out “1985” and inserting in lieu thereof “1990”.

EXTENSION OF THE DAIRY INDEMNITY PROGRAM

SEC. 152. Section 3 of the Act entitled “An Act to provide indemnity payments to dairy farmers” (7 U.S.C. 450l), approved August 13, 1968, is amended by striking out “1985” and inserting in lieu thereof “1990”. 7 USC 450l.

DAIRY EXPORT INCENTIVE PROGRAM

SEC. 153. (a) During the period beginning 60 days after the date of enactment of this Act and ending on September 30, 1989, the Commodity Credit Corporation shall establish and operate an export incentive program as described in this section for dairy products under section 5 of the Commodity Credit Corporation Charter Act. 15 USC 713a-14.

(b) The program established under subsection (a) shall provide for the Corporation to make payments, on a bid basis, to an entity that sells for export United States dairy products. The Secretary shall have discretion to accept or reject bids under such criteria as the Secretary deems appropriate. 98 Stat. 3409.
15 USC 714c.

(c) The program shall be operated under such rules and regulations issued by the Secretary as the Secretary deems necessary to ensure, among other things, that— Regulations.

(1) payments may be made under the program only on the quantity of dairy products sold by an entity for export in any year that is in addition to, and not in place of, any export sales of dairy products that the entity would otherwise make in the absence of the program; and

(2) to the extent practicable, dairy products sold for export under the program will not displace commercial export sales of United States dairy products by other exporters.

(d)(1) The regulations issued by the Secretary may provide for payments under the program to be made in cash or in commodities of equal value that are available in Commodity Credit Corporation stock. Regulations.

(2) If payments in commodities are authorized, such payments may be made through the issuance of certificates redeemable in commodities.

(3) If payments are authorized to be made in dairy products, the regulations issued by the Secretary shall ensure that such dairy products, or an equal amount of other dairy products, will be sold for export by the entity and that any such export sales by the entity will be in addition to, and not in place of, export sales of dairy products that the entity would otherwise make under program or in the absence of the program, and, to the extent practicable, will not Regulations.

displace commercial export sales of United States dairy products by other exporters.

(e)(1) The payments made under the program shall be made at a rate or rates established or approved by the Secretary, taking into consideration, among other things the type of product to be exported, the domestic price of dairy products, and world price of the dairy products.

(2) Any such rate established or approved by the Secretary shall be published in the Federal Register or publicly announced through other appropriate means, and shall be at a level or levels as will encourage the exportation of United States dairy products by entities.

Federal
Register,
publication.

TITLE II—WOOL AND MOHAIR

EXTENSION OF PRICE SUPPORT PROGRAM

SEC. 201. Section 703 of the National Wool Act of 1954 (7 U.S.C. 1782) is amended by—

(1) striking out “1985” in subsection (a) and inserting in lieu thereof “1990”; and

(2) striking out “1985” in subsection (b) and inserting in lieu thereof “1990”.

FOREIGN PROMOTION PROGRAMS

SEC. 202. The second sentence of section 708 of the National Wool Act of 1954 (7 U.S.C. 1787) is amended by striking out “mohair or goats” and inserting in lieu thereof “wool, mohair, sheep, or goats”.

TITLE III—WHEAT

WHEAT POLL

SEC. 301. (a) Not later than July 1, 1986, the Secretary of Agriculture shall conduct a poll, by mail ballot, of eligible producers of wheat to determine whether such producers favor the imposition of mandatory limits on the production of wheat that will result in wheat prices that are not lower than 125 percent of the cost of production (excluding land and residual returns to management) as determined by the Secretary.

(b) The Secretary shall conduct such poll in such a manner as will reflect the types and sizes of farm operations (including livestock), distinctions among types and classes of wheat produced, and such demographic and other information as the Secretary determines is necessary to reflect State, regional, and national responses.

(c) To be eligible to vote in such poll, a producer must have produced a crop of wheat during at least one of the 1981 through 1985 crop years for wheat on a farm with a wheat crop acreage base of at least 40 acres.

MARKETING QUOTAS

SEC. 302. Effective only for the 1987 through 1990 crops of wheat, section 332 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1332) is amended to read as follows:

“PROCLAMATION OF MARKETING QUOTAS

“SEC. 332. (a) As used in sections 332 through 338:

“(1) The term ‘base period’ means the 1981 through 1985 crop years for wheat.

“(2) The term ‘marketing quota period’ means the 1987 through 1990 marketing years for wheat.

“(b)(1) The Secretary may—

“(A) proclaim national marketing quotas for wheat for each marketing year of the marketing quota period not later than June 15, 1986; and

“(B) conduct, by mail ballot, a marketing quota referendum not later than August 1, 1986.

“(2) The quantity of the national marketing quota for wheat for any marketing year shall be a quantity of wheat that the Secretary estimates is required to meet anticipated needs during such marketing year, taking into consideration domestic requirements, export demand, emergency food aid needs, and adequate carryover stocks.

“(c) If, after the proclamation of a national marketing quota for wheat for any marketing year, the Secretary determines that the national marketing quota should be terminated or adjusted to meet national emergency or a material change in the demand for wheat, the Secretary shall adjust or terminate the national marketing quota.”.

MARKETING QUOTA APPORTIONMENT FACTOR

SEC. 303. Effective only for the 1987 through 1990 crops of wheat, section 333 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 333) is amended to read as follows:

“MARKETING QUOTA APPORTIONMENT FACTOR

“SEC. 333. (a) The Secretary shall establish a marketing quota apportionment factor for each crop of wheat for which a national marketing quota is proclaimed under section 332.

“(b) The apportionment factor shall be determined by dividing—

“(1) the national marketing quota for such crop of wheat; by

“(2) the average number of bushels of wheat the Secretary determines was produced in the United States during the base period, adjusted to reflect the quantity of wheat that would have been produced during such years except for—

“(A) drought, flood, or other natural disaster, or other conditions beyond the control of producers; and

“(B) participation in any acreage reduction, set-aside, or diversion programs for wheat during such crop years, as determined by the Secretary.”.

Ante, p. 1378.

FARM MARKETING QUOTAS

SEC. 304. Effective only for the 1987 through 1990 crops of wheat, section 334 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 334) is amended to read as follows:

“FARM MARKETING QUOTAS

“SEC. 334. (a) For each crop of wheat for which a national marketing quota has been proclaimed under section 332, the Secretary shall establish a farm marketing quota for each farm on which wheat was planted for harvest, or considered planted for harvest, during the base period.

“(b) The farm marketing quota shall be equal to the product obtained by multiplying—

“(1) the average number of acres of wheat planted for harvest, or considered planted for harvest, on the farm during the base period; by

“(2) the average yield of wheat planted for harvest, or considered planted for harvest, on the farm during such base period, as determined by the Secretary on such basis as the Secretary determines will provide a fair and equitable yield; by

“(3) the marketing quota apportionment factor.

“(c) For purposes of this section, wheat shall be considered to have been planted for harvest on the farm in any crop year to the extent that the Secretary determines that wheat was not planted for harvest on the farm because—

“(1) of drought, flood, or other natural disaster, or other condition beyond the control of the producer, as determined by the Secretary; or

“(2) the producer on the farm participated in any acreage reduction, set-aside, or diversion program for wheat during such crop years.

“(d) Farm marketing quotas shall be established by the Secretary under this section by June 1 of the calendar year preceding each marketing year for which a national marketing quota has been proclaimed under section 332.”.

Ante, p. 1378.

MARKETING PENALTIES

SEC. 305. Effective only for the 1987 through 1990 crops of wheat, section 335 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1335) is amended to read as follows:

“MARKETING PENALTIES

“SEC. 335. (a) The marketing of wheat produced on a farm in excess of a farm marketing quota shall be subject to a penalty at a rate per bushel equal to 75 percent of the national average market price for wheat during the immediately preceding marketing year.

“(b) The penalty provided for in subsection (a) shall be paid—

“(1) in the case of wheat marketed by sale to a person within the United States, by the person who acquired the wheat from the producer, except that an amount equivalent to the penalty may be deducted by the buyer from the price paid to the producer;

“(2) in the case of wheat marketed through a warehouseman or agent, by the warehouseman or agent, who may deduct an amount equivalent to the penalty from the price paid to the producer; or

“(3) in the case of wheat marketed directly to any person outside the United States, by the producer.

“(c) If any producer falsely identifies, or fails to certify, the acreage planted to wheat for harvest or fails to account for the disposition of any wheat produced on such planted acreage in accordance with regulations issued by the Secretary—

“(1) a quantity of wheat equal to the product obtained by multiplying—

Regulations.

“(A) the farm program payment yield, as determined by the Secretary under title V of the Agricultural Act of 1949; 7 USC 1461.
by

“(B) the planted acreage,
shall be deemed to have been marketed in excess of the farm marketing quota; and

“(2) the penalty provided for in subsection (a) on such quantity of wheat shall be paid by the producer.

“(d) Each producer having an interest in the crop of wheat on any farm for which a penalty is determined shall be jointly and severally liable for the entire amount of the penalty.

“(e) Wheat subject to a farm marketing quota may be carried over from the producer from one marketing year to the succeeding marketing year, and may be marketed without incurring a penalty under this section in the succeeding marketing year, to the extent that—

“(1) the total quantity of wheat available for marketing from the farm in the marketing year from which the wheat is carried over does not exceed the farm marketing quota; or

“(2) the total quantity of wheat available for marketing in the succeeding marketing year (including any quantity of wheat carried over) does not exceed the farm marketing quota for the succeeding marketing year.

“(f) Wheat produced in a calendar year in which marketing quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though it is marketed prior to the date on which such marketing year begins.

“(g)(1) The Secretary shall require collection of the penalty provided for in this section on a proportion of each unit of wheat marketed from the farm equal to the proportion that the wheat available for marketing from the farm in excess of the farm marketing quota is of the total quantity of wheat available for marketing from the farm, if satisfactory proof is not furnished to the Secretary to the disposition to be made of the excess wheat, in accordance with regulations issued by the Secretary, prior to the marketing of any wheat from the farm.

Regulations.

“(2) All funds collected under this section during a marketing year shall be deposited in a special account established in the Treasury of the United States until the end of the next succeeding marketing year. On certification of the Secretary, there shall be paid out of such special account to a person designated by the Secretary the amount by which the penalty collected exceeds that amount of penalty due on wheat marketed in excess of the farm marketing quota for a farm. Such special account shall be administered by the Secretary. The basis for, the amount of, and the person entitled to receive a payment from such account, when determined in accordance with regulations prescribed by the Secretary, shall be final and conclusive.

Regulations.

“(h) Until the amount of the penalty provided by this section is paid, a lien on—

“(1) the wheat with respect to which such penalty is incurred; and

“(2) any subsequent wheat subject to marketing quotas in which the person liable for the payment of such penalty has an interest,

shall be in effect in favor of the United States for the amount of the penalty.

- Effective date. "(i) A person liable for the payment or collection of a penalty any quantity of wheat shall be liable also for interest thereon from the date the penalty becomes due until the date of payment of such penalty at a rate per annum equal to the rate of interest that was charged the Commodity Credit Corporation by the Treasurer of the United States on the date such penalty became due.
- Prohibition. "(j)(1) If marketing quotas for wheat are not in effect for a marketing year, all previous marketing quotas applicable to wheat shall be terminated, effective as of the first day of such marketing year.
- Prohibition. "(2) Such termination shall not—
 "(A) abate any penalty previously incurred by a producer;
 "(B) relieve any buyer of the duty to remit penalties previously collected."

REFERENDUM

- Ante, p. 119. SEC. 306. Effective only for the 1987 through 1990 crops of wheat, section 336 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1336) is amended to read as follows:

"REFERENDUM

- "Sec. 336. (a) If a national marketing quota for wheat for a marketing quota period is proclaimed, not later than August 1, 1987, the Secretary shall conduct, by mail ballot, a referendum of eligible producers to determine whether they favor or oppose marketing quotas for such period.
- "(b) Any producer who produced wheat on a farm during at least one of the crop years of the base period shall be eligible to vote in the referendum.
- "(c) Not later than 30 days after the conduct of such referendum the Secretary shall proclaim the results of such referendum.
- "(d) If the Secretary determines that 60 percent or more of producers voting in the referendum approve marketing quotas, the Secretary shall proclaim that marketing quotas will be in effect for the marketing quota period."

TRANSFER OF FARM MARKETING QUOTAS

- SEC. 307. Effective only for the 1987 through 1990 crops of wheat, section 338 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1338) is amended to read as follows:

"TRANSFER OF FARM MARKETING QUOTAS

- Prohibition. "Sec. 338. (a) Except as provided in subsection (b), farm marketing quotas shall not be transferable.
- Regulations. "(b) In accordance with regulations prescribed by the Secretary for such purpose—
 "(1) the farm marketing quota for a farm for any marketing year, or any portion thereof, may be voluntarily surrendered to the Secretary by the producer; and
 "(2) the Secretary may reallocate any farm marketing quota so surrendered to other farms having farm marketing quotas on such basis as the Secretary may determine."

ATES, TARGET PRICES, DISASTER PAYMENTS, ACREAGE LIMITA-
AND SET-ASIDE PROGRAMS, AND LAND DIVERSION FOR THE 1986
UGH 1990 CROPS OF WHEAT

308. Effective only for the 1986 through 1990 crops of wheat,
gricultural Act of 1949 is amended by inserting after section
U.S.C. 1445b-2) the following new section:

107D. Notwithstanding any other provision of law:

7 USC 1445b-3.

) Except as provided in paragraphs (2) through (4), the
ry shall make available to producers loans and purchases for
the 1986 through 1990 crops of wheat at such level as the
ry determines will maintain the competitive relationship of
o other grains in domestic and export markets after taking
consideration the cost of producing wheat, supply and demand
ns, and world prices for wheat.

For any crop of wheat for which marketing quotas are in
he loan and purchase level determined under paragraph (1)
t be less than the higher of—

(A) 75 percent of the national average cost of production per
hel of wheat, as determined by the Secretary, taking into
consideration variable expenses, general farm overhead, taxes,
urance, interest, and capital replacement costs (but exclud-
residual returns for management and risk); or

(B) \$3.55 per bushel.

Except as provided in paragraph (4), for any crop of wheat for
marketing quotas are not in effect, the loan and purchase
etermined under paragraph (1) shall—

(A) in the case of the 1986 crop of wheat, not be less than
00 per bushel; and

(B) in the case of each of the 1987 through 1990 crops of
eat, not be less than 75 percent, nor more than 85 percent, of
simple average price received by producers of wheat, as
etermined by the Secretary, during the marketing years for
immediately preceding 5 crops of wheat, excluding the year
which the average price was the highest and the year in
hich the average price was the lowest in such period, except
t the loan and purchase level for a crop determined under
s clause may not be reduced by more than 5 percent from the
el determined for the preceding crop.

) Except as provided in subparagraph (B), for any crop of
or which marketing quotas are not in effect, if the Secretary
ines that the average price received by producers for wheat
previous marketing year was not more than 110 percent of
n and purchase level for wheat for such marketing year or
ines that such action is necessary to maintain a competitive
osition for wheat, the Secretary—

(i) in the case of the 1986 crop of wheat, shall reduce the loan
d purchase level for wheat for the marketing year by the
ount the Secretary determines necessary to maintain domes-
and export markets for grain but not less than 10 percent of
loan and purchase level for such crop; and

(ii) in the case of each of the 1987 through 1990 crops of
eat, may reduce the loan and purchase level for wheat for
marketing year by the amount the Secretary determines
ecessary to maintain domestic and export markets for grain.

The loan and purchase level may not be reduced under
paragraph (A) by more than 20 percent in any year.

Prohibition.

Prohibition.

“(C) Any reduction in the loan and purchase level for wheat under this paragraph shall not be considered in determining the loan and purchase level for wheat for subsequent years.

“(5)(A) The Secretary may permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

“(i) the loan level determined for such crop; or

“(ii) the higher of—

“(I) 70 percent of such level;

“(II) if the loan level for a crop was reduced under paragraph (4), 70 percent of the loan level that would have been in effect but for the reduction under paragraph (4); or

“(III) the prevailing world market price for wheat, as determined by the Secretary.

Regulations.

“(B) If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

“(i) a formula to define the prevailing world market price for wheat; and

“(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for wheat.

“(6) For purposes of this section, the simple average price received by producers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination.

“(b)(1) The Secretary may, for each of the 1986 through 1990 crops of wheat, make payments available to producers who, although eligible to obtain a loan or purchase agreement under subsection (a), agree to forgo obtaining such loan or agreement in return for such payments.

“(2) A payment under this subsection shall be computed by multiplying—

“(A) the loan payment rate; by

“(B) the quantity of wheat the producer is eligible to place under loan.

Prohibition.

“(3) For purposes of this subsection, the quantity of wheat eligible to be placed under loan may not exceed the product obtained by multiplying—

“(A) the individual farm program acreage for the crop; by

“(B) the farm program payment yield established for the farm.

“(4) For purposes of this subsection, the loan payment rate shall be the amount by which—

“(A) the loan level determined for such crop under subsection (a); exceeds

“(B) the level at which a loan may be repaid under subsection (a).

“(c)(1)(A) The Secretary shall make available to producers payments for each of the 1986 through 1990 crops of wheat in an amount computed by multiplying—

“(i) the payment rate; by

“(ii) the individual farm program acreage for the crop; by

“(iii) the farm program payment yield for the crop for the farm.

Prohibition.

“(B) Payments for any such crop for which marketing quotas are in effect shall not exceed an amount equal to the payment rate multiplied by the farm marketing quota.

C)(i) If an acreage limitation program under subsection (f)(2) is in effect for a crop of wheat and the producers on a farm devote a portion of the permitted wheat acreage of the farm (as determined in accordance with subsection (f)(2)(A)) equal to more than 8 percent of the permitted wheat acreage of the farm for the crop to conservation uses or nonprogram crops—

“(I) such portion of the permitted wheat acreage of the farm in excess of 8 percent of such acreage devoted to conservation uses or nonprogram crops shall be considered to be planted to wheat for the purpose of determining the individual farm program acreage in accordance with subsection (f)(2)(E) and for the purpose of determining the acreage on the farm required to be devoted to conservation uses in accordance with subsection (f)(2)(D); and

Conservation.

“(II) the producers shall be eligible for payments under this paragraph on such acreage, subject to the compliance of the producers with clause (ii).

(i) To be eligible for payments under clause (i), except as provided in clauses (iii) and (vii), the producers on the farm must actually plant wheat for harvest on at least 50 percent of the permitted wheat acreage of the farm.

(ii) If a State or local agency has imposed in an area of a State or territory a quarantine on the planting of wheat for harvest on farms in such area, the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 310(b)) may recommend to the Secretary that payments be made under this paragraph, without regard to the requirement imposed under clause (ii), to producers in such area who were required to stop the planting of wheat for harvest on acreage to alleviate or mitigate the condition requiring such quarantine. If the Secretary determines that such condition exists, the Secretary may make payments under this paragraph to such producers. To be eligible for payments under this clause, such producers may not plant feed crops, such as, cotton, rice, or soybeans on such acreage.

(v) The wheat crop acreage base and wheat farm program payment yield of the farm shall not be reduced due to the fact that a portion of the permitted acreage of the farm was devoted to conservation uses or nonprogram crops.

Prohibition.

(v) Other than as provided in clauses (i) through (iv), payments shall not be made under this paragraph for any crop on a greater acreage than the acreage actually planted to wheat.

Prohibition.

(vi) Any acreage considered to be planted to wheat in accordance with clause (i) may not also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation, set-aside program, or land diversion program requiring that the producers devote a specified acreage to conservation uses.

Prohibition.

(vii) This subparagraph shall not apply if the established price for wheat is determined pursuant to subparagraph (H)(i).

D)(i) Except as provided in clause (ii), the payment rate for wheat shall be the amount by which the established price for the crop of wheat exceeds the higher of—

“(I) the national weighted average market price received by producers during the first 5 months of the marketing year for such crop, as determined by the Secretary; or

“(II) the loan level determined for such crop, prior to any adjustment made under subsection (a)(4) for the marketing year for such crop of wheat.

“(ii) If the national weighted average market price received by producers during the first 5 months of the marketing year for a crop, as determined by the Secretary, exceeds \$2.55 per bushel for the 1986 crop, \$2.65 per bushel for the 1987 crop, or \$2.82 per bushel for the 1988 crop, at the option of the Secretary, the payment rate for such crop of wheat shall be the amount by which the established price for the crop of wheat exceeds the higher of—

“(I) \$2.55 per bushel for the 1986 crop, \$2.65 per bushel for the 1987 crop, and \$2.82 per bushel for the 1988 crop; or

“(II) the loan level determined for such crop, prior to any adjustment made under subsection (a)(4) for the marketing year for such crop of wheat.

“(E)(i) Notwithstanding the foregoing provisions of this section, if the Secretary adjusts the level of loans and purchases for wheat under subsection (a)(4), the Secretary shall provide emergency compensation by increasing the established price payments for wheat by such amount as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made, taking into consideration any payments made as the result of subparagraph (D)(ii).

“(ii) In determining the payment rate, per bushel, for established price payments for a crop of wheat under this subparagraph, the Secretary shall use the national weighted average market price, per bushel of wheat, received by producers during the marketing year for such crop, as determined by the Secretary.

Prohibition.

“(F) For any crop of wheat for which marketing quotas are in effect, the established price shall not be less than the higher of—

“(i) the national average cost of production per bushel of wheat, as determined by the Secretary under subsection (a)(2); or

“(ii) \$4.65 per bushel.

“(G) For any crop of wheat for which marketing quotas are not in effect, the established price for wheat shall not be less than \$4.38 per bushel for each of the 1986 and 1987 crops, \$4.29 per bushel for the 1988 crop, \$4.16 per bushel for the 1989 crop, and \$4.00 per bushel for the 1990 crop.

“(H) For any crop of wheat for which marketing quotas are not in effect, at the option of the Secretary and subject to subparagraph (G), the established price for wheat applicable to producers may be determined on the basis of—

“(i) the percentage by which the producers reduce the acreage planted to wheat on the farm for harvest from the crop acreage base for the farm in accordance with an acreage limitation program described in subsection (f)(2); or

“(ii) a graduated scale of production under which the amount of the payments made to the producers would vary for specified quantities of wheat produced by the producers and such payments would be targeted to commercial family farmers who have annual gross sales in excess of \$20,000.

“(I) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2).

J) The Secretary may pay not more than 5 percent of the total amount of a payment made under this paragraph in the form of wheat. The use of wheat in making payments to producers shall be subject to a determination by the Secretary of the effect that such payments will have on market prices for any commodity. The Secretary shall report such determination to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

K) As used in this paragraph, the term 'nonprogram crop' means any agricultural commodity other than wheat, feed grains, and cotton, extra long staple cotton, rice, or soybeans.

2)(A)(i) Except as provided in subparagraph (C), if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for wheat to wheat or other conserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers in an amount equal to the product obtained by multiplying—

“(I) the number of acres so affected but not to exceed the acreage planted to wheat for harvest (including any acreage that the producers were prevented from planting to wheat or other nonconserving crops in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year; by

“(II) 75 percent of the farm program payment yield established by the Secretary; by

“(III) a payment rate equal to 33⅓ percent of the average of the established prices for the crop.

ii) Payments made by the Secretary under this subparagraph shall be made in the form of cash or from stocks of wheat held by the Commodity Credit Corporation.

B) Except as provided in subparagraph (C), if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of wheat that the producers are able to harvest on any farm is less than the result of multiplying 60 percent of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 percent of the established price for the crop for the deficiency in production below 60 percent for the crop.

C) Producers on a farm shall not be eligible for—

“(i) prevented planting disaster payments under subparagraph (A), if prevented planting crop insurance is available to the producers under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to the wheat acreage of the producers; or

“(ii) reduced yield disaster payments under subparagraph (B), if reduced yield crop insurance is available to the producers under such Act with respect to the wheat acreage of the producers.

D)(i) Notwithstanding subparagraph (C), the Secretary may make a disaster payment to producers on a farm under this paragraph if the Secretary determines that—

“(I) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the

Prohibition.

Prohibition.

producers on a farm have suffered substantial losses of production either from being prevented from planting wheat or other nonconserving crops or from reduced yields;

“(II) such losses have created an economic emergency for the producers;

“(III) crop insurance indemnity payments under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency; and

“(IV) additional assistance must be made available to such producers to alleviate such economic emergency.

“(ii) The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to an individual farm so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

“(d)(1)(A) For any crop of wheat for which marketing quotas are not in effect and an acreage limitation program under subsection (f) is not in effect, the Secretary shall proclaim a national program acreage. The proclamation shall be made not later than June 1 of each calendar year for the crop harvested in the next succeeding calendar year, except that in the case of the 1986 crop, the proclamation shall be made as soon as practicable after the date of enactment of the Food Security Act of 1985.

“(B) The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) if the Secretary determines it necessary based on the latest information. The Secretary shall proclaim such revised national program acreage as soon as it is made.

“(C) The national program acreage for wheat shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

“(D) If the Secretary determines that carryover stocks of wheat are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the quantity the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

“(2) The Secretary shall determine a program allocation factor for each crop of wheat for which marketing quotas are not in effect. The allocation factor for wheat shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of wheat be more than 100 percent nor less than 80 percent.

“(3)(A)(i) Except as provided in subsection (f)(2), the individual farm program acreage for each crop of wheat for which marketing quotas are not in effect shall be determined by multiplying the allocation factor by the acreage of wheat planted for harvest on the farms for which individual farm program acreages are required to be determined.

“(ii) The individual farm program acreage shall not be further reduced by application of the allocation factor if the producers reduce the acreage of wheat planted for harvest on the farm from the crop acreage base established for the farm under title V by at least the percentage recommended by the Secretary in the proclamation of the national program acreage. Prohibition.
7 USC 1461.

“(iii) The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of wheat planted for harvest is less than the crop acreage base established for the farm under title V, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

“(iv) In establishing the allocation factor for wheat, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

“(B) For any crop of wheat for which marketing quotas are in effect, the individual farm program acreage shall be the acreage on the farm that the Secretary determines is sufficient to produce the quantity of wheat equal to the farm marketing quota established for the farm under section 334 of the Agricultural Adjustment Act of 1938.

Ante, p. 1379.

“(e) The farm program payment yields for farms for each crop of wheat shall be determined under title V.

“(f)(1)(A)(i) Notwithstanding any other provision of this Act, except as provided in subparagraphs (B) through (E), if the Secretary determines that the total supply of wheat, in the absence of an acreage limitation or set-aside program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency, the Secretary may provide for any crop of wheat for which marketing quotas are not in effect either an acreage limitation program as described in paragraph (2) or a set-aside program as described in paragraph (3).

“(ii) In making a determination under clause (i), the Secretary shall take into consideration the number of acres placed in the conservation acreage reserve established under section 1231 of the Food Security Act of 1985.

Post, p. 1509.

“(iii) If the Secretary elects to put either of such programs into effect for any crop year, the Secretary shall announce such program not later than June 1 prior to the calendar year in which the crop is harvested, except that in the case of the 1986 crop, the Secretary shall announce such program as soon as practicable after the date of enactment of the Food Security Act of 1985.

“(iv) Not later than July 31 of the year previous to the year in which the crop is harvested, the Secretary may make adjustments in the program announced under clause (iii) if the Secretary determines that there has been a significant change in the total supply of wheat since the program was first announced.

“(B) In the case of the 1986 crop of wheat, if the Secretary estimates, as soon as practicable after the date of enactment of the Food Security Act of 1985, that the quantity of wheat on hand in the United States on the first day of the marketing year for that crop (not including any quantity of wheat of that crop) will be—

“(i) more than 1,000,000,000 bushels, the Secretary shall provide for—

“(I) an acreage limitation program (as described in paragraph (2)) under which the acreage planted to wheat for

harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by not less than 15 percent nor more than 22½ percent; and

“(II) a land diversion program (as described in paragraph (5)(A)) with in-kind payments under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by 2½ percent of the wheat crop acreage base, in addition to any reduction required under subclause (I);

“(ii) 1,000,000,000 bushels or less, the Secretary may provide for—

“(I) an acreage limitation program (as described in paragraph (2)) under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by not more than 15 percent; and

“(II) a land diversion program as described in paragraph (5)(A).

“(C) In the case of the 1987 crop of wheat, if the Secretary estimates, not later than June 1 of the year previous to the year in which the crop is harvested, that the quantity of wheat on hand in the United States on the first day of the marketing year for that crop (not including any quantity of wheat of that crop) will be—

“(i) more than 1,000,000,000 bushels, the Secretary shall provide for an acreage limitation program (as described in paragraph (2)) under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by not less than 20 percent nor more than 27½ percent; or

“(ii) 1,000,000,000 bushels or less, the Secretary may provide for such an acreage limitation program under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by not more than 20 percent.

“(D) In the case of each of the 1988 through 1990 crops of wheat, if the Secretary estimates, not later than June 1 of the year previous to the year in which the crop is harvested, that the quantity of wheat on hand in the United States on the first day of the marketing year for that crop (not including any quantity of wheat of that crop) will be—

“(i) more than 1,000,000,000 bushels, the Secretary shall provide for an acreage limitation program (as described in paragraph (2)) under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by not less than 20 percent nor more than 30 percent; or

“(ii) 1,000,000,000 bushels or less, the Secretary may provide for such an acreage limitation program under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by not more than 20 percent.

“(E) As a condition of eligibility for loans, purchases, and payments for any such crop of wheat, except as provided in subsection (g), the producers on a farm must comply with the terms and conditions of the acreage limitation program and, if applicable, a land diversion program as provided in paragraph (1)(B)(i)(II).

“(2)(A)(i) If a wheat acreage limitation program is announced under paragraph (1), such limitation shall be achieved by applying a uniform percentage reduction to the wheat crop acreage base for the crop for each wheat-producing farm.

“(ii) If the Secretary elects to determine the established price for wheat applicable to producers as provided in subsection (c)(1)(H)(i), the limitation on the acreage planted to wheat shall be achieved by applying the percentage reductions selected by producers under subsection (c)(1)(H)(i) to the crop acreage base for each wheat-producing farm.

“(B) Except as provided in subsection (g), producers who knowingly produce wheat in excess of the permitted wheat acreage for the farm shall be ineligible for wheat loans, purchases, and payments with respect to that farm.

“(C) Wheat crop acreage bases for each crop of wheat shall be determined under title V.

“(D)(i) A number of acres on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such number shall be determined by dividing—

“(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of wheat times the number of acres planted to such commodity; by

“(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary.

“(ii) The number of acres so determined is hereafter in this subsection referred to as ‘reduced acreage’.

“(E) If an acreage limitation program is announced under paragraph (1) for a crop of wheat, subsection (d) shall not be applicable to such crop, including any prior announcement that may have been made under such subsection with respect to such crop. Except as otherwise provided in subsection (c)(1)(C), the individual farm program acreage shall be the acreage planted on the farm to wheat for harvest within the permitted wheat acreage for the farm as established under this paragraph.

“(3)(A) If a set-aside program is announced under paragraph (1), as a condition of eligibility for loans, purchases, and payments for wheat authorized by this Act (except as provided in subsection (g)), the producers on a farm must—

“(i) set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of wheat planted for harvest for the crop for which the set-aside is in effect; and

“(ii) otherwise comply with the terms of such program.

“(B) The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

“(C) If a set-aside program is established, the Secretary may limit the acreage planted to wheat. Such limitation shall be applied on a uniform basis to all wheat-producing farms.

“(D) The Secretary may make such adjustments in individual set-aside acreages under this paragraph as the Secretary determines necessary—

“(i) to correct for abnormal factors affecting production; and

“(ii) to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary determines necessary.

7 USC 1461.

Conservation.
Regulations.

Prohibition.

Conservation.

Conservation.
Regulations.

Regulations.
Conservation.

“(4)(A) The regulations issued by the Secretary under paragraphs (2) and (3) with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

“(B) Subject to subparagraph (C), the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

“(C)(i) Except as provided in clause (ii), the Secretary shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State and subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage diverted from production by participating producers in such State to be devoted to—

“(I) hay and grazing, in the case of the 1986 crop of wheat; and

“(II) grazing, in the case of each of the 1987 through 1990 crops of wheat.

Prohibition.

“(ii) Haying and grazing shall not be permitted for any crop of wheat under clause (i) during any 5-consecutive-month period that is established for such crop for a State by the State committee established under section 8(b) of such Act.

Conservation.

“(D) In determining the quantity of land to be devoted to conservation uses under an acreage limitation or set-aside program with respect to land that has been farmed under summer fallow practices, as defined by the Secretary, the Secretary shall consider the effects of soil erosion and such other factors as the Secretary considers appropriate.

Conservation.
Contracts.

“(5)(A)(i) The Secretary may make land diversion payments to producers of wheat, whether or not an acreage limitation program, set-aside program, or marketing quotas for wheat are in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

Contracts.

“(ii) The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

“(iii) The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

“(B)(i) Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1986 crop of wheat for producers who plant the 1986 crop of wheat before

announcement by the Secretary of the wheat acreage limitation program for that crop under which the Secretary shall make crop payment and conservation payments to any such producer of the 5 crop of wheat who—

“(I) reduces the acreage on the farm planted to wheat for harvest so that it does not exceed the wheat crop acreage base for the farm less an amount equivalent to 10 percent of the wheat crop acreage base (in addition to any reduction required under paragraph (2)); and

“(II) devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat crop acreage base under this paragraph.

ii) Payments under clause (i) shall be made in an amount computed by multiplying—

“(I) the diversion payment rate; by

“(II) the acreage diverted under this paragraph; by

“(III) the farm program payment yield for the crop.

iii) The diversion payment rate shall be \$2.00 per bushel.

(6)(A) Any reduced acreage, set-aside acreage, and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

(B) The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A).

(C) The Secretary may also pay an appropriate share of the cost of approved soil and water conservation practices (including practices that may be effective for a number of years) established by the Secretary on reduced acreage, set-aside acreage, or additional diverted acreage.

(D) The Secretary may provide for an additional payment on diverted acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

(7)(A) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

(B) The Secretary may, by mutual agreement with producers on a farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

(8) Notwithstanding the foregoing provisions of this subsection, in carrying out the program conducted under this subsection, the Secretary may prescribe production targets for participating farms expressed in bushels of production so that all participating farms receive the same pro rata reduction in production as prescribed by national production targets.

(g)(1) The Secretary may, for each of the 1986 through 1990 crops of wheat, make payments available to producers who meet the requirements of this subsection.

(2) Such payments shall be—

“(A) made in the form of wheat owned by the Commodity Credit Corporation; and

Conservation.

Conservation.

Regulations.

“(B) subject to the availability of such wheat.

“(3)(A) Payments under this subsection shall be determined in the same manner as provided in subsection (b).

“(B) The quantity of wheat to be made available to a producer under this subsection shall be equal in value to the payments so determined under such subsection.

“(4) A producer shall be eligible to receive a payment under this subsection for a crop if the producer—

“(A) agrees to forgo obtaining a loan or purchase agreement under subsection (a);

“(B) agrees to forgo receiving payments under subsection (c);

“(C) does not plant wheat for harvest in excess of the cropland acreage base reduced by one-half of any acreage required to be diverted from production under subsection (f); and

“(D) otherwise complies with this section.

“(h)(1) If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments if such amounts as the Secretary determines are equitable in relation to the seriousness of the failure.

“(2) The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not adversely affect the operation of the program.

Regulations.

“(i) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

“(j) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

“(k) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

“(l) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

“(m) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

“(n)(1) Except as provided in paragraphs (2) and (3), compliance with a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans, purchases, or payments under this section.

“(2) If an acreage limitation program is established for a crop of wheat under subsection (f)(2), producers who participate in the program may not plant acreage of another commodity for which there is an acreage limitation program in effect in excess of the cropland acreage base for the crop for the farm.

“(3) If a set-aside program is established for a crop of wheat under subsection (f)(3), compliance on a farm with the terms and conditions of any other commodity program may be required as a condition of eligibility for loans, purchases, or payments under this section.

NONAPPLICABILITY OF CERTIFICATE REQUIREMENTS

Prohibition.
7 USC 1379d
note.

SEC. 309. Sections 379d, 379e, 379f, 379g, 379h, 379i, and 379j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379d-1379j) (relating to

marketing certificate requirements for processors and exporters) shall not be applicable to wheat processors or exporters during the period June 1, 1986, through May 31, 1991.

SUSPENSION OF LAND USE, WHEAT MARKETING ALLOCATION, AND PRODUCER CERTIFICATE PROVISIONS

SEC. 310. (a) Sections 332, 333, 334, 335, 336, and 338 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1332-1336 and 1338) shall not be applicable to the 1986 crop of wheat.
(b) Sections 331, 339, 379b, and 379c of such Act (7 U.S.C. 1331, 339, 1379b, and 1379c) shall not be applicable to the 1986 through 1990 crops of wheat.

Prohibitions.
Ante, pp.
1378-1382.
7 USC 1332
note.
7 USC 1331 note.

SUSPENSION OF CERTAIN QUOTA PROVISIONS

SEC. 311. The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1340 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1986 through 1990.

Prohibition.
7 USC 1340 note.

INAPPLICABILITY OF SECTION 107 OF THE AGRICULTURAL ACT OF 1949 TO THE 1986 THROUGH 1990 CROPS OF WHEAT

SEC. 312. Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1986 through 1990 crops of wheat.

Prohibition.
7 USC 1445a
note.

TITLE IV—FEED GRAINS

FEED GRAIN RATES, TARGET PRICES, DISASTER PAYMENTS, ACREAGE LIMITATION AND SET-ASIDE PROGRAMS, AND LAND DIVERSION FOR THE 1986 THROUGH 1990 CROPS OF FEED GRAINS

SEC. 401. Effective only for the 1986 through 1990 crops of feed grains, the Agricultural Act of 1949 is amended by adding after section 105B (7 U.S.C. 1444d) the following new section:

Sec. 105C. Notwithstanding any other provision of law:

(a)(1) Except as provided in paragraphs (2) through (4), the Secretary shall make available to producers loans and purchases for the 1986 through 1990 crops of corn at such level as the Secretary determines will encourage the exportation of feed grains and shall not result in excessive total stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn.

(2) Except as provided in paragraph (3), the loan and purchase level determined under paragraph (1) shall—

"(A) in the case of the 1986 crop of corn, not be less than \$2.40 per bushel; and

"(B) in the case of each of the 1987 through 1990 crops of corn, not be less than 75 percent, nor more than 85 percent, of the simple average price received by producers of corn, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of corn, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, except that the loan and purchase level for a crop determined under this clause

7 USC 1444e.

may not be reduced by more than 5 percent from the level determined for the preceding crop.

“(3)(A) Except as provided in subparagraph (B), if the Secretary determines that the average price received by producers for corn in the previous marketing year was not more than 110 percent of the loan and purchase level for corn for such marketing year or determines that such action is necessary to maintain a competitive market position for feed grains, the Secretary—

“(i) in the case of the 1986 crop of corn, shall reduce the loan and purchase level for corn for the marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain but not less than 10 percent of the loan and purchase level for such crop; and

“(ii) in the case of each of the 1987 through 1990 crops of corn, may reduce the loan and purchase level for corn for the marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain.

Prohibition.

“(B) The loan and purchase level may not be reduced under subparagraph (A) by more than 20 percent in any year.

Prohibition.

“(C) Any reduction in the loan and purchase level for corn under this paragraph shall not be considered in determining the loan and purchase level for corn for subsequent years.

“(4)(A) The Secretary may permit a producer to repay a loan made under paragraph (1) or (6) for a crop at a level that is the lesser of—

“(i) the loan level determined for such crop; or

“(ii) the higher of—

“(I) 70 percent of such level;

“(II) if the loan level for a crop was reduced under paragraph (3), 70 percent of the loan level that would have been in effect but for the reduction under paragraph (3);

“(III) the prevailing world market price for feed grains, as determined by the Secretary.

Regulations.

“(B) If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe a regulation—

“(i) a formula to define the prevailing world market price for feed grains; and

“(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for feed grains.

“(5) For purposes of this section, the simple average price received by producers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination.

7 USC 1421.

“(6) The Secretary shall make available to producers loans and purchases for each of the 1986 through 1990 crops of grain sorghums, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b).

“(b)(1) The Secretary may, for each of the 1986 through 1990 crops of corn, grain sorghums, barley, oats, and rye, make payments available to producers who, although eligible to obtain a loan and purchase agreement under subsection (a), agree to forego obtaining such loan or agreement in return for such payments.

“(2) A payment under this subsection shall be computed by multiplying—

“(A) the loan payment rate; by

“(B) the quantity of such feed grains the producer is eligible to place under loan.

3) For purposes of this subsection, the quantity of feed grains eligible to be placed under loan may not exceed the product obtained multiplying—

“(A) the individual farm program acreage for the crop; by

“(B) the farm program payment yield established for the farm.

4) For purposes of this subsection, the loan payment rate shall be the amount by which—

“(A) the loan level determined for such crop under subsection (a); exceeds

“(B) the level at which a loan may be repaid under subsection (a).

(1)(A) The Secretary shall make available to producers payments for each of the 1986 through 1990 crops of corn, grain sorghums, oats, and, if designated by the Secretary, barley, in an amount computed by multiplying—

“(i) the payment rate; by

“(ii) the individual farm program acreage for the crop; by

“(iii) the farm program payment yield for the crop for the farm.

3)(i) If an acreage limitation program under subsection (f)(2) is in effect for a crop of feed grains and the producers on a farm devote a portion of the permitted feed grain acreage of the farm (as determined in accordance with subsection (f)(2)(A)) equal to more than 8 percent of the permitted feed grain acreage of the farm for such crop to conservation uses or nonprogram crops—

“(I) such portion of the permitted feed grain acreage of the farm in excess of 8 percent of such acreage devoted to conservation uses or nonprogram crops shall be considered to be planted to feed grains for the purpose of determining the individual farm program acreage in accordance with subsection (f)(2)(E) and for the purpose of determining the acreage on the farm required to be devoted to conservation uses in accordance with subsection (f)(2)(D); and

“(II) the producers shall be eligible for payments under this paragraph on such acreage, subject to the compliance of the producers with clause (ii).

(i) To be eligible for payments under clause (i), except as provided in clause (iii), the producers on the farm must actually plant feed grains for harvest on at least 50 percent of the permitted feed grain acreage of the farm.

(ii) If a State or local agency has imposed in an area of a State or territory a quarantine on the planting of feed grains for harvest on such area, the State committee established under section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 315) may recommend to the Secretary that payments be made under this paragraph, without regard to the requirement imposed under clause (ii), to producers in such area who were required to devote the planting of feed grains for harvest on acreage to alleviate the condition requiring such quarantine. If the Secretary determines that such condition exists, the Secretary may make payments under this paragraph to such producers. To be eligible for payments under this clause, such producers may not plant wheat, cotton, rice, or soybeans on such acreage.

Conservation.

Conservation.

Prohibition.

“(iv) The feed grain crop acreage base and feed grain program payment yield of the farm shall not be reduced due to the fact that such portion of the permitted acreage of the farm was devoted to conserving uses or nonprogram crops.

Prohibition.

“(v) Other than as provided in clauses (i) through (iv), payment may not be made under this paragraph for any crop on a greater acreage than the acreage actually planted to feed grains.

Conservation.

“(vi) Any acreage considered to be planted to feed grains in accordance with clause (i) may not also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation or land diversion program requiring that producers devote a specified acreage to conservation uses.

“(C)(i) Except as provided in clause (ii), the payment rate for corn shall be the amount by which the established price for the crop of corn exceeds the higher of—

“(I) the national weighted average market price received by producers during the first 5 months of the marketing year for such crop, as determined by the Secretary; or

“(II) the loan level determined for such crop, prior to any adjustment made under subsection (a)(3) for the marketing year for such crop of corn.

“(ii) If the national weighted average market price received by producers during the first 5 months of the marketing year for such crop, as determined by the Secretary, exceeds \$2.04 per bushel for the 1986 crop of corn, \$2.19 per bushel for the 1987 crop, and \$2.19 per bushel for the 1988 crop, at the option of the Secretary, the payment rate for such crop of corn shall be the amount by which the established price for the crop of corn exceeds the higher of—

“(I) \$2.04 per bushel for the 1986 crop, \$2.19 per bushel for the 1987 crop, and \$2.24 per bushel for the 1988 crop; or

“(II) the loan level determined for such crop, prior to any adjustment made under subsection (a)(3) for the marketing year for such crop of corn.

“(D)(i) Notwithstanding the foregoing provisions of this section, if the Secretary adjusts the level of loans and purchases for feed grains under subsection (a)(4), the Secretary shall provide emergency compensation by increasing the established price payments for feed grains by such amount as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made, taking into consideration any payments made as the result of subparagraph (C)(ii).

“(ii) In determining the payment rate, per bushel, for establishing price payments for a crop of feed grains under this subparagraph, the Secretary shall use the national weighted average market price per bushel of wheat, received by producers during the marketing year for such crop, as determined by the Secretary.

Prohibition.

“(E) The established price for corn shall not be less than \$3.03 per bushel for each of the 1986 and 1987 crops, \$2.97 per bushel for the 1988 crop, \$2.88 per bushel for the 1989 crop, and \$2.75 per bushel for the 1990 crop.

“(F) The payment rate for grain sorghums, oats, and, if designated by the Secretary, barley, shall be such rate as the Secretary determines is fair and reasonable in relation to the rate at which payments are made available for corn.

“(G) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph

shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2).

“(H) The Secretary may pay not more than 5 percent of the total amount of a payment made under this paragraph in the form of feed grains. The use of feed grains in making payments to producers shall be subject to a determination by the Secretary of the effect that such in-kind payments will have on market prices for any commodity. The Secretary shall report such determination to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(I) As used in this paragraph, the term ‘nonprogram crop’ means any agricultural commodity other than wheat, feed grains, upland cotton, extra long staple cotton, rice, or soybeans.

“(2)(A)(i) Except as provided in subparagraph (C), if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for feed grains to feed grains or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers in an amount equal to the product obtained by multiplying—

“(I) the number of acres so affected but not to exceed the acreage planted to feed grains for harvest (including any acreage that the producers were prevented from planting to feed grains or other nonconserving crops in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year; by

“(II) 75 percent of the farm program payment yield established by the Secretary; by

“(III) a payment rate equal to 33⅓ percent of the established price for the crop.

“(ii) Payments made by the Secretary under this subparagraph may be made in the form of cash or from stocks of feed grains held by the Commodity Credit Corporation.

“(B) Except as provided in subparagraph (C), if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of feed grains that the producers are able to harvest on any farm is less than the result of multiplying 60 percent of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 percent of the established price for the crop for the deficiency in production below 60 percent for the crop.

“(C) Producers on a farm shall not be eligible for—

Prohibition.

“(i) prevented planting disaster payments under subparagraph (A), if prevented planting crop insurance is available to the producers under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to the feed grain acreage of the producers; or

“(ii) reduced yield disaster payments under subparagraph (B), if reduced yield crop insurance is available to the producers under such Act with respect to the feed grain acreage of the producers.

“(D)(i) Notwithstanding subparagraph (C), the Secretary may make a disaster payment to the producers on a farm under this paragraph if the Secretary determines that—

“(I) as the result of drought, flood, or other natural disaster or other condition beyond the control of the producers, the producers on a farm have suffered substantial losses of production either from being prevented from planting feed grains or other nonconserving crops or from reduced yields;

“(II) such losses have created an economic emergency for the producers;

“(III) crop insurance indemnity payments under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency; and

“(IV) additional assistance must be made available to such producers to alleviate such economic emergency.

“(ii) The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to an individual farm so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

“(d)(1)(A) Except for a crop with respect to which there is a national acreage limitation program in effect under subsection (f), the Secretary shall proclaim a national program acreage for each of the 1986 through 1990 crops of feed grains. The proclamation shall be made not later than September 30 of each calendar year for the crop harvested in the next succeeding calendar year, except that in the case of the 1986 crop, the proclamation shall be made as soon as practicable after the date of enactment of the Food Security Act of 1985.

“(B) The Secretary may revise the national program acreage for a crop proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) if the Secretary determines it is necessary based on the latest information. The Secretary shall proclaim such revised national program acreage as soon as it is made.

“(C) The national program acreage for feed grains shall be based on the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yield for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

“(D) If the Secretary determines that carryover stocks of feed grains are excessive or an increase in stocks is needed to assure a desirable carryover, the Secretary may adjust the national program acreage by the quantity the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

“(2) The Secretary shall determine a program allocation factor for each crop of feed grains. The allocation factor for feed grains shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of feed grains be more than 100 percent nor less than 80 percent.

Prohibition.

“(3)(A) Except as provided in subsection (f)(2), the individual farm program acreage for each crop of feed grains shall be determined by multiplying the allocation factor by the acreage of feed grains planted for harvest on the farms for which individual farm program acreages are required to be determined.

“(B) The individual farm program acreage shall not be further reduced by application of the allocation factor if the producers reduce the acreage of feed grains planted for harvest on the farm from the crop acreage base established for the farm under title V by at least the percentage recommended by the Secretary in the proclamation of the national program acreage.

Prohibition.

7 USC 1461.

“(C) The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of feed grains planted for harvest is less than the crop acreage base established for the farm under title V, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

“(D) In establishing the allocation factor for feed grains, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

“(e) The farm program payment yields for farms for each crop of feed grains shall be determined under title V.

“(f)(1)(A)(i) Notwithstanding any other provision of this Act, except as provided in subparagraphs (B) through (D), if the Secretary determines that the total supply of feed grains, in the absence of an acreage limitation or set-aside program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency, the Secretary may provide for any crop of feed grains either an acreage limitation program as described in paragraph (2) or a set-aside program as described in paragraph (3).

“(ii) In making a determination under clause (i), the Secretary shall take into consideration the number of acres placed in the conservation acreage reserve established under section 1231 of the Food Security Act of 1985.

Post, p. 1509.

“(iii) If the Secretary elects to put either of such programs into effect for any crop year, the Secretary shall announce any such program not later than September 30 prior to the calendar year in which the crop is harvested, except that in the case of the 1986 crop, the Secretary shall announce such program as soon as practicable after the date of enactment of the Food Security Act of 1985.

“(iv) Not later than November 15 of the year previous to the year in which the crop is harvested, the Secretary may make adjustments in an announcement made under clause (iii) if the Secretary determines that there has been a significant change in the total supply of feed grains since the program was first announced.

“(B) In the case of the 1986 crop of feed grains, if the Secretary estimates, as soon as practicable after the date of enactment of the Food Security Act of 1985, that the quantity of corn on hand in the United States on the first day of the marketing year for that crop (not including any quantity of corn of that crop) will be—

“(i) more than 2,000,000,000 bushels, the Secretary shall provide for—

“(I) an acreage limitation program (as described in paragraph (2)) under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain

crop acreage base for the farm for the crop reduced by not less than 12½ percent nor more than 17½ percent; and

“(II) a land diversion program (as described in paragraph (5)) with in-kind payments under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain acreage crop base for the farm for the crop reduced by not less than an amount equivalent to 2½ percent of the feed grain crop acreage base, in addition to any reduction required under subclause (I); or

“(ii) 2,000,000,000 bushels or less, the Secretary may provide for—

“(I) an acreage limitation program (as described in paragraph (2)) under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain crop acreage base for the farm for the crop reduced by not more than 12½ percent; and

“(II) a land diversion program as described in paragraph (5).

“(C) In the case of each of the 1987 through 1990 crops of feed grains, if the Secretary estimates, not later than September 30 of the year previous to the year in which the crop is harvested, that the quantity of corn on hand in the United States on the first day of the marketing year for that crop (not including any quantity of corn of that crop) will be—

“(i) more than 2,000,000,000 bushels, the Secretary shall provide for an acreage limitation program (as described in paragraph (2)) under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain crop acreage base for the farm for the crop reduced by not less than 12½ percent nor more than 20 percent; or

“(ii) 2,000,000,000 bushels or less, the Secretary may provide for such an acreage limitation program under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain crop acreage base for the farm for the crop reduced by not more than 12½ percent.

“(D) As a condition of eligibility for loans, purchases, and payments for any such crop of feed grains, except as provided in subsection (g), the producers on a farm must comply with the terms and conditions of the acreage limitation program and, if applicable, the land diversion program, as provided in paragraph (1)(B)(i).

“(2)(A) If a feed grain acreage limitation program is announced under paragraph (1), such limitation shall be achieved by applying a uniform percentage reduction to the feed grain crop acreage base for the crop for each feed grain-producing farm.

“(B) Except as provided in subsection (g), producers who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm.

“(C) The Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for feed grain loans, purchases, and payments to comply with any acreage limitation under this paragraph if such producer has previously produced a malting variety of barley for harvest, plants barley only of an acceptable malting variety for harvest, and meets such other conditions as the Secretary may prescribe.

“(D) Feed grain crop acreage bases for each crop of feed grains shall be determined under title V.

Prohibition.

“(E)(i) A number of acres on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such number shall be determined by dividing—

Conservation.
Regulations.

“(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of feed grains times the number of acres planted to such commodity; by

“(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary.

“(ii) The number of acres so determined is hereafter in this subsection referred to as ‘reduced acreage’.

“(F) If an acreage limitation program is announced under paragraph (1) for a crop of feed grains, subsection (d) shall not be applicable to such crop, including any prior announcement that may have been made under such subsection with respect to such crop. Except as otherwise provided in subsection (c)(1)(B), the individual farm program acreage shall be the acreage planted on the farm to feed grains for harvest within the permitted feed grain acreage for the farm as established under this paragraph.

Prohibition.

“(3)(A) If a set-aside program is announced under paragraph (1), as a condition of eligibility for loans, purchases, and payments for feed grains authorized by this Act (except as provided in subsection (g)), the producers on a farm must—

“(i) set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of feed grains planted for harvest for the crop for which the set-aside is in effect; and

Conservation.

“(ii) otherwise comply with the terms of such program.

“(B) The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

Conservation.
Regulations.

“(C) If a set-aside program is established, the Secretary may limit the acreage planted to feed grains. Such limitation shall be applied on a uniform basis to all feed grain-producing farms.

“(D) The Secretary may make such adjustments in individual set-aside acreages under this section as the Secretary determines necessary—

“(i) to correct for abnormal factors affecting production; and

“(ii) to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary determines necessary.

“(4)(A) The regulations issued by the Secretary under paragraphs (2) and (3) with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

Regulations.
Conservation.

“(B) Subject to subparagraph (C), the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

“(C)(i) Except as provided in clause (ii), the Secretary shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State and subject to such terms and conditions as the

Secretary may prescribe, all or any part of such acreage diverted from production by participating producers in such State to be devoted to—

“(I) hay and grazing, in the case of the 1986 crop of feed grains; and

“(II) grazing, in the case of each of the 1987 through 1990 crops of feed grains.

Prohibition.

“(ii) Haying and grazing shall not be permitted for any crop of feed grains under clause (i) during any 5-consecutive-month period that is established for such crop for a State by the State committee established under section 8(b) of such Act.

16 USC 590h.

Conservation.

“(D) In determining the quantity of land to be devoted to conservation uses under an acreage limitation or set-aside program with respect to land that has been farmed under summer fallow practices, as defined by the Secretary, the Secretary shall consider the effects of soil erosion and such other factors as the Secretary considers appropriate.

Conservation.
Contracts.

“(5)(A) The Secretary may make land diversion payments to producers of feed grains, whether or not an acreage limitation or set-aside program for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

Contracts.

“(B) The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

“(C) The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

Wildlife refuge.

“(6)(A) Any reduced acreage, set-aside acreage, and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

“(B) The Secretary may pay an appropriate share of the costs of practices designed to carry out the purposes of subparagraph (C).

Conservation.

“(C) The Secretary may also pay an appropriate share of the costs of approved soil and water conservation practices (including practices that may be effective for a number of years) established by the producer on reduced acreage, set-aside acreage, or additional diverted acreage.

Regulations.

“(D) The Secretary may provide for an additional payment to a producer who agrees to permit, without other compensation, access to or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

“(7)(A) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

“(B) The Secretary may, by mutual agreement with producers on a farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

“(8) Notwithstanding the foregoing provisions of this subsection, in carrying out the program conducted under this subsection, the Secretary may prescribe production targets for participating farms expressed in bushels of production so that all participating farms achieve the same pro rata reduction in production as prescribed by the national production targets.

“(g)(1) The Secretary may, for each of the 1986 through 1990 crops of corn, grain sorghums, oats, and, if designated by the Secretary, barley, make payments available to producers who meet the requirements of this subsection.

“(2) Such payments shall be—

“(A) made in the form of such feed grains, respectively, owned by the Commodity Credit Corporation; and

“(B) subject to the availability of such feed grains.

“(3)(A) Payments under this subsection shall be determined in the same manner as provided in subsection (b).

“(B) The quantity of feed grains to be made available to a producer under this subsection shall be equal in value to the payments so determined under such subsection.

“(4) A producer shall be eligible to receive a payment under this subsection for a crop if the producer—

“(A) agrees to forgo obtaining a loan or purchase agreement under subsection (a);

“(B) agrees to forgo receiving payments under subsection (c);

“(C) does not plant feed grains for harvest in excess of the crop acreage base reduced by one-half of any acreage required to be diverted from production under subsection (f); and

“(D) otherwise complies with this section.

“(h)(1) If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines are equitable in relation to the seriousness of the failure.

“(2) The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

“(i) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

Regulations.

“(j) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

“(k) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

“(l) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

“(m) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

“(n)(1) Except as provided in paragraphs (2) and (3), compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans, purchases, or payments under this section.

Prohibition.

“(2) If an acreage limitation program is established for a crop of feed grains under subsection (f)(2), producers who participate in the program may not plant acreage of another commodity for which there is an acreage limitation program in effect in excess of the crop acreage base for the crop for the farm.

“(3) If a set-aside program is established for a crop of feed grains under subsection (f)(3), compliance on a farm with the terms and conditions of any other commodity program may be required as a condition of eligibility for loans, purchases, or payments under this section.”.

NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949
TO THE 1986 THROUGH 1990 CROPS OF FEED GRAINS

7 USC 1444b
note.

SEC. 402. Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1986 through 1990 crops of feed grains.

PRICE SUPPORT FOR CORN SILAGE

7 USC 1444e-1.

SEC. 403. (a) Notwithstanding any other provision of law, effective only for each of the 1986 through 1990 crops of feed grains, the Secretary of Agriculture may make available loans and purchases, as provided in this section, to producers on a farm who—

(1) for silage—

(A) cut corn (including mutilated corn) that the producers have produced in such crop year; or

(B) purchase or exchange corn (including mutilated corn) that has been produced in such crop year by another producer (including a producer that is not participating in an acreage limitation or set-aside program for such crop established by the Secretary); and

(2) participate in an acreage limitation or set-aside program for such crop of corn established by the Secretary.

(b) Such loans and purchases may be made on a quantity of corn of the same crop, other than the corn obtained for silage, acquired by the producer equivalent to a quantity determined by multiplying—

(1) the acreage of corn obtained for silage; by

(2) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which such silage was obtained.

TITLE V—COTTON

LOAN RATES, TARGET PRICES, DISASTER PAYMENTS, ACREAGE LIMITATION PROGRAM, AND LAND DIVERSION FOR THE 1986 THROUGH 1990 CROPS OF UPLAND COTTON

SEC. 501. Effective only for the 1986 through 1990 crops of upland cotton, the Agricultural Act of 1949 is amended by inserting after section 103 (7 U.S.C. 1444) the following new section:

"SEC. 103A. Notwithstanding any other provision of law:

7 USC 1444-1.

"(a)(1) Except as provided in paragraph (2), the Secretary shall, on presentation of warehouse receipts reflecting accrued storage charges of not more than 60 days, make available for the 1986 through 1990 crops of upland cotton to producers nonrecourse loans for a term of 10 months from the first day of the month in which the loan is made at such level, per pound, as will reflect for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States at a level that is not less than—

"(A) in the case of the 1986 crop of upland cotton, 55 cents per pound; and

"(B) in the case of each of the 1987 through 1990 crops of upland cotton, the smaller of—

"(i) 85 percent of the average price (weighted by market and month) of such quality of cotton as quoted in the designated United States spot markets during 3 years of the 5-year period ending July 31 in the year in which the loan level is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; or

"(ii) 90 percent of the average, for the 15-week period beginning July 1 of the year in which the loan level is announced, of the 5 lowest-priced growths of the growths quoted for Middling one and three-thirty-seconds inch cotton C.I.F. northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between such average northern European price quotation of such quality of cotton and the market quotations in the designated United States spot markets for Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9)).

"(2)(A) The loan level for any crop determined under paragraph (1)(B) may not be reduced by more than 5 percent from the loan level determined for the preceding crop nor below 50 cents per pound.

"(B) If for any crop the average northern European price determined under paragraph (1)(B)(ii) is less than the average United States spot market price determined under paragraph (1)(B)(i), the Secretary may increase the loan level to such level as the Secretary may deem appropriate, not in excess of the average United States spot market price determined under paragraph (1)(B)(i).

"(3) The loan level for any crop of upland cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective, except that in the case of the 1986 crop, such determination and announcement shall be made as soon as prac-

Prohibition.

ticable after the date of enactment of the Food Security Act of 1985. Such level shall not thereafter be changed.

“(4)(A) Except as provided in subparagraph (B), nonrecourse loans provided for in this section shall, on request of the producer during the 10th month of the loan period for the cotton, be made available for an additional term of 8 months.

“(B) A request to extend the loan period shall not be approved in any month in which the average price of Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for the preceding month exceeded 130 percent of the average price of such quality of cotton in such markets for the preceding 36-month period.

“(5)(A) If the Secretary determines that the prevailing world market price for upland cotton (adjusted to United States quality and location) is below the loan level determined under the foregoing provisions of this subsection, in order to make United States upland cotton competitive in world markets, the Secretary shall implement the provisions of Plan A or Plan B in accordance with this paragraph.

“(B) If the Secretary elects to implement Plan A, the Secretary shall permit a producer to repay a loan made for any crop at a level determined and announced by the Secretary at the same time the Secretary announces the loan level for such crop as determined under paragraph (3). Such repayment level for loans on such crops shall not be less than 80 percent of the loan level determined for the crop. Such repayment level, once announced for the crop, shall not thereafter be changed.

“(C)(i) If the Secretary elects to implement Plan B, except as provided in clause (ii), the Secretary shall permit a producer to repay a loan made for any crop at a level that is the lesser of—

“(I) the loan level determined for such crop; or

“(II) the prevailing world market price for upland cotton (adjusted to United States quality and location), as determined by the Secretary.

“(ii) For each of the 1987 through 1990 crops of cotton, if the world market price for cotton (adjusted to United States quality and location) as determined by the Secretary, is less than 80 percent of the loan level determined for such crop, the Secretary may permit a producer to repay a loan made under this subsection for a crop at such level (not in excess of 80 percent of the loan level determined for such crop) as the Secretary determines will—

“(I) minimize potential loan forfeitures;

“(II) minimize the accumulation of cotton stocks by the Federal Government;

“(III) minimize the cost incurred by the Federal Government in storing cotton; and

“(IV) allow cotton produced in the United States to be marketed freely and competitively, both domestically and internationally.

Exports.

“(D)(i) Notwithstanding any other provision of law, during the period beginning August 1, 1986, and ending July 31, 1991, if a program carried out under Plan A or Plan B fails to make United States upland cotton fully competitive in world markets and the prevailing world market price of upland cotton (adjusted to United States quality and location), as determined by the Secretary, is below the current loan repayment rate for upland cotton determined under subparagraph (A), to make United States upland

ton competitive in world markets and to maintain and expand domestic consumption and exports of upland cotton produced in the United States, the Secretary shall provide for the issuance of negotiable marketing certificates in accordance with this subparagraph.

(ii) The Commodity Credit Corporation, under such regulations the Secretary may prescribe, shall make payments, through the issuance of negotiable marketing certificates, to first handlers of cotton (persons regularly engaged in buying or selling upland cotton) who have entered into an agreement with the Commodity Credit Corporation to participate in the program established under this subparagraph. Such payments shall be made in such monetary amounts and subject to such terms and conditions as the Secretary determines will make upland cotton produced in the United States available at competitive prices, consistent with the purposes of this subparagraph, including such payments as may be necessary to make raw cotton in inventory on August 1, 1986, available on the same basis.

Regulations.
Contracts.

(iii) The value of each certificate issued under clause (ii) shall be based on the difference between—

“(I) the loan repayment rate for upland cotton under Plan A or Plan B, as the case may be; and

“(II) the prevailing world market price of upland cotton, as determined by the Secretary under a published formula submitted for public comment before its adoption.

(iv) The Commodity Credit Corporation, under regulations prescribed by the Secretary, may assist any person receiving marketing certificates under this subparagraph in the redemption of certificates for cash, or marketing or exchange of such certificates for (I) upland cotton owned by the Commodity Credit Corporation or (II) (if the Secretary and the person agree) other agricultural commodities the products thereof owned by the Commodity Credit Corporation, at such times, in such manner, and at such price levels as the Secretary determines will best effectuate the purposes of the program established under this subparagraph. Notwithstanding any other provision of law, any price restrictions that may otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this subparagraph.

Regulations.
Prohibition.

(v) Insofar as practicable, the Secretary shall permit owners of certificates to designate the commodities and the products thereof, including storage sites thereof, such owners would prefer to receive in exchange for certificates. If any certificate is not presented for redemption, marketing, or exchange within a reasonable number of days after the issuance of such certificate (as determined by the Secretary), reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after such reasonable number of days and ending with the date of the presentation of such certificate to the Commodity Credit Corporation.

(vi) The Secretary shall take such measures as may be necessary to prevent the marketing or exchange of agricultural commodities and products for certificates under this section from adversely affecting the income of producers of such commodities or products.

(vii) Under regulations prescribed by the Secretary, certificates issued to cotton handlers under this subparagraph may be transferred to other handlers and persons approved by the Secretary.

Regulations.

(E)(i) The Secretary shall prescribe by regulation—

Regulations.

Federal
Register,
publication.
Regulations.

“(I) a formula to define the prevailing world market price for cotton; and

“(II) a mechanism by which the Secretary shall announce periodically the prevailing world market price for cotton.

“(ii) Not later than 90 days after the date of enactment of the Food Security Act of 1985, the Secretary shall—

“(I) publish in the Federal Register proposed regulations specifying such formula and mechanism; and

“(II) invite public comment on such proposal.

“(iii) The prevailing world market price established under this subparagraph shall be used for purposes of both Plan A and Plan B and marketing certificates under subparagraph (D).

“(b)(1) The Secretary may, for each of the 1986 through 1990 crops of upland cotton, make payments available to producers who, although eligible to obtain a loan under subsection (a), agree to forgo obtaining such loan in return for such payments.

“(2) A payment under this subsection shall be computed by multiplying—

“(A) the loan payment rate; by

“(B) the quantity of upland cotton the producer is eligible to place under loan.

“(3) For purposes of this subsection, the quantity of upland cotton eligible to be placed under loan may not exceed the product obtained by multiplying—

“(A) the individual farm program acreage for the crop; by

“(B) the farm program payment yield established for the farm.

“(4) For purposes of this subsection, the loan payment rate shall be the amount by which—

“(A) the loan level determined for such crop under subsection (a); exceeds

“(B) the level at which a loan may be repaid under subsection (a).

“(5) The Secretary may make up to one-half the amount of a payment under this subsection available in the form of negotiable marketing certificates, subject to the terms and conditions provided in subsection (a)(5)(D).

“(c)(1)(A) The Secretary shall make available to producers payments for each of the 1986 through 1990 crops of upland cotton in an amount computed by multiplying—

“(i) the payment rate; by

“(ii) the individual farm program acreage; by

“(iii) the farm program payment yield established for the crop for the farm.

Conservation.

“(B)(i) If an acreage limitation program under subsection (f)(2) is in effect for a crop of upland cotton and the producers on a farm devote a portion of the permitted upland cotton acreage of the farm (as determined in accordance with subsection (f)(2)(A)) equal to more than 8 percent of the permitted upland cotton acreage of the farm for the crop to conservation uses or nonprogram crops—

“(I) such portion of the permitted upland cotton acreage in excess of 8 percent of such acreage devoted to conservation uses or nonprogram crops shall be considered to be planted to upland cotton for the purpose of determining the individual farm program acreage in accordance with subsection (f)(2)(E) and for the purpose of determining the acreage on the farm required to be

devoted to conservation uses in accordance with subsection (f)(2)(D); and

“(II) the producers shall be eligible for payments under this paragraph on such acreage, subject to the compliance of the producers with clause (ii).

“(ii) To be eligible for payments under clause (i), except as provided in clause (iii), the producers on the farm must actually plant upland cotton for harvest on at least 50 percent of the permitted upland cotton acreage of the farm.

“(iii) If a State or local agency has imposed in an area of a State or county a quarantine on the planting of upland cotton for harvest on farms in such area, the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may recommend to the Secretary that payments be made under this paragraph, without regard to the requirement imposed under clause (ii), to producers in such area who were required to forgo the planting of upland cotton for harvest on acreage to alleviate or eliminate the condition requiring such quarantine. If the Secretary determines that such condition exists, the Secretary may make payments under this paragraph to such producers. To be eligible for payments under this clause, such producers may not plant wheat, feed grains, rice, cotton, or soybeans on such acreage.

“(iv) The upland cotton crop acreage base and upland cotton farm program payment yield of the farm shall not be reduced due to the fact that such portion of the permitted acreage of the farm was devoted to conserving uses or nonprogram crops.

Prohibition.

“(v) Other than as provided in clauses (i) through (iv), payments may not be made under this subsection for any crop on a greater acreage than the acreage actually planted to upland cotton.

Prohibition.

“(vi) Any acreage considered to be planted to upland cotton in accordance with clause (i) may not also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation or land diversion program requiring that the producers devote a specified acreage to conservation uses.

“(C) The payment rate for upland cotton shall be the amount by which the established price for the crop of upland cotton exceeds the higher of—

“(i) the national average market price received by producers during the calendar year that includes the first 5 months of the marketing year for such crop, as determined by the Secretary; or

“(ii) the loan level determined for such crop.

“(D) The established price for upland cotton shall not be less than \$0.81 per pound for the 1986 crop, \$0.794 per pound for the 1987 crop, \$0.77 per pound for the 1988 crop, \$0.745 per pound for the 1989 crop, and \$0.729 per pound for the 1990 crop.

Prohibition.

“(E) The total quantity of upland cotton on which payments would otherwise be payable to a producer on a farm for any crop under this subsection shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2).

“(F) The Secretary may pay not more than 5 percent of the total amount of a payment made under this paragraph in the form of upland cotton. The use of upland cotton in making payments to producers shall be subject to a determination by the Secretary of the effect that such in-kind payments will have on market prices for any commodity. The Secretary shall report such determination to the

Prohibition.

Report.

Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(G) As used in this subsection, the term ‘nonprogram crop’ means any agricultural commodity other than wheat, feed grains, upland cotton, extra long staple cotton, rice, or soybeans.

“(2)(A)(i) Except as provided in subparagraph (C), if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for upland cotton to upland cotton or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers in an amount equal to the product obtained by multiplying—

“(I) the number of acres so affected but not to exceed the acreage planted to upland cotton for harvest (including any acreage that the producers were prevented from planting to upland cotton or other nonconserving crops in lieu of upland cotton because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year; by

“(II) 75 percent of the farm program payment yield established for the farm by the Secretary; by

“(III) a payment rate equal to $33\frac{1}{3}$ percent of the established price for the crop.

“(ii) Payments made by the Secretary under this subparagraph may be made in the form of cash or from stocks of upland cotton held by the Commodity Credit Corporation.

“(B) Except as provided in subparagraph (C), if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of upland cotton that the producers are able to harvest on any farm is less than the result of multiplying 75 percent of the farm program payment yield established for the farm for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to $33\frac{1}{3}$ percent of the established price for the crop for the deficiency in production below 75 percent for the crop.

Prohibition.

“(C) Producers on a farm shall not be eligible for—

“(i) prevented planting disaster payments under subparagraph (A), if prevented planting crop insurance is available to the producers under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to the upland cotton acreage of the producers; or

“(ii) reduced yield disaster payments under subparagraph (B), if reduced yield crop insurance is available to the producers under such Act with respect to the upland cotton acreage of the producers.

“(D)(i) Notwithstanding subparagraph (C), the Secretary may make a disaster payment to producers on a farm under this subsection if the Secretary determines that—

“(I) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the producers have suffered substantial losses of production either from being prevented from planting upland cotton or other nonconserving crops or from reduced yields;

“(II) such losses have created an economic emergency for the producers;

“(III) crop insurance indemnity payments under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and other forms of assistance made available by the Federal Government to such producers for such losses is insufficient to alleviate such economic emergency; and

“(IV) additional assistance must be made available to such producers to alleviate such economic emergency.

ii) The Secretary may make such adjustments in the amount of payments made available under this paragraph with respect to an individual farm so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

d)(1)(A) Except for a crop with respect to which there is an acreage limitation program in effect under subsection (f), the Secretary shall proclaim a national program acreage for each of the 1985 through 1990 crops of upland cotton. The proclamation shall be made not later than November 1 of the calendar year preceding the year for which such acreage is established, except that in the case of the 1986 crop, such announcement shall be made as soon as practicable after the enactment of the Food Security Act of 1985.

(B) The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) if the Secretary determines it necessary based on the latest information. The Secretary shall proclaim such revised national program acreage as soon as it is available.

(C) The national program acreage for upland cotton shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

(D) The national program acreage shall be subject to such adjustment as the Secretary determines necessary, taking into consideration the estimated carryover supply, so as to provide for an adequate but not excessive total supply of upland cotton for the marketing year for the crop for which such national program acreage is established. In no event shall the national program acreage be more than 10 million acres.

(2) The Secretary shall determine a program allocation factor for each crop of upland cotton. The allocation factor (not to exceed 100 percent) shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop.

(3)(A) The individual farm program acreage for each crop of upland cotton shall be determined by multiplying the allocation factor by the acreage of upland cotton planted for harvest on the farm for which individual farm program acreages are required to be determined.

(B) The individual farm program acreage may not be further reduced by application of the allocation factor if the producers produce the acreage of upland cotton planted for harvest on the farm in the crop acreage base established for the farm under title V by at least the percentage recommended by the Secretary in the proclamation of the national program acreage.

Prohibition.

7 USC 1461.

“(C) The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of upland cotton planted for harvest is less than the crop acreage base established for the farm under title V, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

“(D) In establishing the allocation factor for upland cotton, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the forgoing provisions of this subsection.

“(e) The farm program payment yields for farms for each crop of upland cotton shall be determined under title V.

“(f)(1)(A) Notwithstanding any other provision of this Act, if the Secretary determines that the total supply of upland cotton, in the absence of an acreage limitation program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency, the Secretary may provide for any crop of upland cotton an acreage limitation program as described in paragraph (2).

Post, p. 1509.

“(B) In making a determination under clause (i), the Secretary shall take into consideration the number of acres placed in the conservation acreage reserve established under section 1231 of the Food Security Act of 1985.

“(C) If the Secretary elects to put an acreage limitation program into effect for any crop year, the Secretary shall announce any such program not later than November 1 of the calendar year preceding the year in which the crop is harvested, except that in the case of the 1986 crop, such announcement shall be made as soon as practicable after the enactment of the Food Security Act of 1985.

“(D) The Secretary shall, to the maximum extent practicable, carry out an acreage limitation program described in paragraph (2) for a crop of upland cotton in a manner that will result in a carryover of 4 million bales of upland cotton.

Prohibition.

“(2)(A) If a upland cotton acreage limitation program is announced under paragraph (1), such limitation shall be achieved by applying a uniform percentage reduction (not to exceed 25 percent) to the upland cotton crop acreage base for the crop for each upland cotton-producing farm.

“(B) Except as provided in subsection (g), producers who knowingly produce upland cotton in excess of the permitted upland cotton acreage for the farm, as established in accordance with subparagraph (A), shall be ineligible for upland cotton loans and payments with respect to that farm.

“(C) Upland cotton crop acreage bases for each crop of upland cotton shall be determined under title V.

Conservation.
Regulations.

“(D)(i) A number of acres on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such number shall be determined by dividing—

“(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of upland cotton times the number of acres planted to such commodity; by

“(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary.

“(ii) The number of acres determined under clause (i) is hereafter in this subsection referred to as ‘reduced acreage’.

Prohibition.

“(E) If an acreage limitation program is announced under paragraph (1) for a crop of upland cotton, subsection (d) shall not be applicable to such crop, including any prior announcement that may

have been made under such subsection with respect to such crop. Except as provided in subsection (c)(1)(B), the individual farm program acreage shall be the acreage planted on the farm to upland cotton for harvest within the permitted upland cotton acreage for the farm as established under this paragraph.

“(3)(A) The regulations issued by the Secretary under paragraph (2) with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

Regulations.
Conservation.

“(B) Subject to subparagraph (C), the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

“(C)(i) Except as provided in clause (ii), the Secretary shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State and subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage diverted from production by participating producers in such State to be devoted to—

“(I) hay and grazing, in the case of the 1986 crop of upland cotton; and

“(II) grazing, in the case of each of the 1987 through 1990 crops of upland cotton.

“(ii) Haying and grazing shall not be permitted for any crop of upland cotton under clause (i) during any 5-consecutive-month period that is established for such crop for a State by the State committee established under section 8(b) of such Act.

Prohibition.

“(4)(A) The Secretary may make land diversion payments to producers of upland cotton, whether or not an acreage limitation program for upland cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of upland cotton to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

16 USC 590h.
Conservation.
Contracts.

“(B) The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

Contracts.

“(C) The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

“(5)(A) The reduced acreage and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity

Wildlife refuge.

with standards established by the Secretary in consultation with wildlife agencies.

“(B) The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A).

Regulations.

“(C) The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

Contracts.

“(7)(A) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

Contracts.

“(B) The Secretary may, by mutual agreement with producers on a farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

“(g)(1) The Secretary may, for each of the 1986 through 1990 crops of upland cotton, make payments available to producers who meet the requirements of this subsection.

“(2) Such payments shall be—

“(A) made in the form of upland cotton owned by the Commodity Credit Corporation; and

“(B) subject to the availability of such upland cotton.

“(3)(A) Payments under this subsection shall be determined in the same manner as provided in subsection (b).

“(B) The quantity of upland cotton to be made available to a producer under this subsection shall be equal in value to the payments so determined under such subsection.

“(4) A producer shall be eligible to receive a payment under this subsection for a crop if the producer—

“(A) agrees to forgo obtaining a loan under subsection (a);

“(B) agrees to forgo receiving payments under subsection (c);

“(C) does not plant upland cotton for harvest in excess of the crop acreage base reduced by one-half of any acreage required to be diverted from production under subsection (f); and

“(D) otherwise complies with this section.

“(h)(1) If the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans and payments, the Secretary may, nevertheless, make such loans and payments in such amounts as the Secretary determines are equitable in relation to the seriousness of the failure.

“(2) The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

Regulations.

“(i) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

“(j) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

“(k) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

“(l) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

“(m) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

“(n)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this section.

“(2) The Secretary may require that, as a condition of eligibility of producers on a farm for loans or payments under this section, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect shall not exceed the crop acreage base for that commodity.

Prohibition.

“(3) The Secretary may not require producers on a farm, as a condition of eligibility for loans or payments under this section for such farm, to comply with the terms and conditions of the upland cotton program with respect to any other farm operated by such producers.

Prohibition.

“(o)(1) Whenever the Secretary determines that the average price of Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in such markets for the preceding 36 months, notwithstanding any other provision of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton subject to the following conditions:

President of U.S.
Imports.

“(A) The quantity of the special quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

“(B) If a special quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established hereunder shall be the smaller of 21 days of domestic mill consumption calculated as set forth in subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

“(C) As used in subparagraph (B):

“(i) The term ‘supply’ means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

“(I) the carryover of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the special quota is established; plus

“(II) production of the current crop; plus

“(III) imports to the latest date available during the marketing year.

Imports.

“(ii) The term ‘demand’ means—

“(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; plus

“(II) the larger of—

“(aa) average exports of upland cotton during the preceding 6 marketing years; or

Exports.

“(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the special quota is established.

“(D) When a special quota is established under this subsection, cotton may be entered under such quota during the 90-day period beginning on the effective date of the proclamation.

“(2) Notwithstanding paragraph (1), a special quota period may not be established that overlaps an existing quota period.”.

SUSPENSION OF BASE ACREAGE ALLOTMENTS, MARKETING QUOTAS, AND RELATED PROVISIONS

Prohibition.

Ante, p. 818.

7 USC 1342 note.

SEC. 502. Sections 342, 343, 344, 345, 346, and 377 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1342-1346 and 1377) shall not be applicable to any of the 1986 through 1990 crops of upland cotton.

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

SEC. 503. Effective only with respect to the period beginning August 1, 1978, and ending July 31, 1991, the tenth sentence of section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by striking out all of that sentence through the words “110 per centum of the loan rate, and (2)” and inserting in lieu thereof the following: “Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells upland cotton for export, in no event, however, at less than (A) 115 percent of the loan rate for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges, or (B) if the Secretary permits the repayment of loans made for a crop of cotton at a rate that is less than the loan level determined for such crop, 115 percent of the average loan repayment rate that is determined for such crop during the period of such loans, and (2)”.

MISCELLANEOUS COTTON PROVISIONS

Prohibition.
7 USC 1446d
note.

SEC. 504. Sections 103(a) and 203 of the Agricultural Act of 1949 (7 U.S.C. 1444(a) and 1446d) shall not be applicable to the 1986 through 1990 crops.

SKIPROW PRACTICES

SEC. 505. Section 374(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1374(a)) is amended by striking out “1985” and inserting in lieu thereof “1990”.

PRELIMINARY ALLOTMENTS FOR 1991 CROP OF UPLAND COTTON

7 USC 1342 note.

SEC. 506. Notwithstanding any other provision of law, the permanent State, county, and farm base acreage allotments for the 1977 crop of upland cotton, adjusted for any underplantings in 1977 and reconstituted as provided in section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379), shall be the preliminary allotments for the 1991 crop.

EXTRA LONG STAPLE COTTON

SEC. 507. Section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)) is amended—

Ante, p. 488.

(1) in paragraph (2)—

(A) in the first sentence, by striking out “50 per centum in excess of the loan level established for each crop of Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States” and inserting in lieu thereof “85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5-year period ending July 31 in the year in which the loan level is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.”;

(B) by striking out “November” in the last sentence and inserting in lieu thereof “December”; and

(C) by striking out in the last sentence “, or within 10 days after the loan level for the related crop of upland cotton is announced, whichever is later,”; and

(2) by adding at the end thereof the following new paragraph:

“(19) Notwithstanding any other provision of law, this subsection shall not be applicable to the 1991 and subsequent crops of extra long staple cotton.”

Prohibition.

TITLE VI—RICE

LOAN RATES, TARGET PRICES, DISASTER PAYMENTS, ACREAGE LIMITATION PROGRAM, AND LAND DIVERSION FOR THE 1986 THROUGH 1990 CROPS OF RICE

SEC. 601. Effective only for the 1986 through 1990 crops of rice, the Agricultural Act of 1949 is amended by inserting after section 101 (7 U.S.C. 1441) the following new section:

“Sec. 101A. Notwithstanding any other provision of law:

7 USC 1441-1.

“(a)(1) Except as provided in paragraph (2), the Secretary shall make available to producers loans and purchases for each of the 1986 through 1990 crops of rice at a level that is not less than—

“(A) in the case of the 1986 crop of rice, \$7.20 per hundredweight; and

“(B) in the case of each of the 1987 through 1990 crops of rice, the higher of—

“(i) 85 percent of the simple average price received by producers, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; or

“(ii) \$6.50 per hundredweight.

“(2) The loan level for a crop of rice determined under paragraph (1)(B) may not be reduced by more than 5 percent from the loan level determined for the preceding crop.

“(3) The loan and purchase level and the established price for each of the 1986 through 1990 crops of rice shall be announced not later than January 31 of each calendar year for the crop harvested in such calendar year.

"(4) A loan made under this section shall have a term of not more than 9 months beginning after the month in which the application for the loan is made.

"(5)(A) The Secretary shall permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the higher of—

"(I) the loan level determined for such crop multiplied by 50 percent for each of the 1986 and 1987 crops, 60 percent for the 1988 crop, and 70 percent for each of the 1989 and 1990 crops; or

"(II) the prevailing world market price for rice, as determined by the Secretary.

"(B) The Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for rice; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for rice.

"(C)(i) As a condition of permitting a producer to repay a loan as provided in subparagraph (A), the Secretary may require a producer to purchase marketing certificates equal in value to an amount that does not exceed one-half the difference, as determined by the Secretary, between the amount of the loan obtained by the producer and the amount of the loan repayment. Such certificates shall be negotiable.

"(ii) Such certificates shall be redeemable for rice owned by the Commodity Credit Corporation valued at the prevailing market price, as determined by the Secretary. If such rice is not available in the State in which the rice pledged as collateral for the loan was produced or at such other location outside of such State as may be approved by the owner of such certificate, such certificate shall be redeemable in cash.

"(iii) The Commodity Credit Corporation, under regulations prescribed by the Secretary, shall assist any person receiving marketing certificates under this subparagraph in the redemption or marketing of such certificates. Insofar as practicable, the Secretary shall permit an owner of a certificate to designate the storage facility at which such owner would prefer to receive rice in exchange for such certificate.

"(iv) If any such certificate is not presented for redemption or marketing within a reasonable number of days after issuance, as determined by the Secretary, reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after such reasonable number of days and ending with the date of the presentation of such certificate to the Commodity Credit Corporation.

"(6) For purposes of this section, the simple average price received by producers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination.

"(b)(1) The Secretary may, for each of the 1986 through 1990 crops of rice, make payments available to producers who, although eligible to obtain a loan or purchase agreement under subsection (a), agree to forgo obtaining such loan or agreement in return for such payments.

"(2) A payment under this subsection shall be computed by multiplying—

Regulations.

Regulations.

Contracts.

“(A) the loan payment rate; by

“(B) the quantity of rice the producer is eligible to place under loan.

“(3) For purposes of this subsection, the quantity of rice eligible to be placed under loan may not exceed the product obtained by multiplying—

Prohibition.

“(A) the individual farm program acreage for the crop; by

“(B) the farm program payment yield established for the farm.

“(4) For purposes of this subsection, the loan payment rate shall be the amount by which—

“(A) the loan level determined for such crop under subsection (a); exceeds

“(B) the level at which a loan may be repaid under subsection (a).

“(5) The Secretary shall make up to one-half the amount of a payment under this subsection available in the form of negotiable marketing certificates, subject to the terms and conditions provided in subsection (a)(5)(C).

“(c)(1)(A) The Secretary shall make available to producers payments for each of the 1986 through 1990 crops of rice in an amount computed by multiplying—

“(i) the payment rate; by

“(ii) the individual farm program acreage; by

“(iii) the farm program payment yield established for the crop for the farm.

“(B)(i) If an acreage limitation program under subsection (f)(2) is in effect for a crop of rice and the producers on a farm devote a portion of the permitted rice acreage of the farm (as determined in accordance with subsection (f)(2)(A)) equal to more than 8 percent of the permitted rice acreage of the farm for the crop to conservation uses or nonprogram crops—

Conservation.

“(I) such portion of the permitted rice acreage in excess of 8 percent of such acreage devoted to conservation uses or nonprogram crops shall be considered to be planted to rice for the purpose of determining the individual farm program acreage in accordance with subsection (f)(2)(E) and for the purpose of determining the acreage on the farm required to be devoted to conservation uses in accordance with subsection (f)(2)(D); and

“(II) the producers shall be eligible for payments under this paragraph on such acreage, subject to the compliance of the producers with clause (ii).

“(ii) To be eligible for payments under clause (i), except as provided in clause (iii), the producers on the farm must actually plant rice for harvest on at least 50 percent of the permitted rice acreage of the farm.

“(iii) If a State or local agency has imposed in an area of a State or county a quarantine on the planting of rice for harvest on farms in such area, the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may recommend to the Secretary that payments be made under this paragraph, without regard to the requirement imposed under clause (ii), to producers in such area who were required to forgo the planting of rice for harvest on acreage to alleviate or eliminate the condition requiring such quarantine. If the Secretary determines that such condition exists, the Secretary may make payments under this paragraph to such producers. To be eligible for payments under

proclaim such revised national program acreage as soon as it is made.

“(C) The national program acreage for rice shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

“(D) If the Secretary determines that carryover stocks of rice are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the quantity the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

“(2) The Secretary shall determine a program allocation factor for each crop of rice. The allocation factor for rice shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop. In no event may the allocation factor for any crop of rice be more than 100 percent nor less than 80 percent.

“(3)(A) The individual farm program acreage for each crop of rice shall be determined by multiplying the allocation factor by the acreage of rice planted for harvest on the farms for which individual farm program acreages are required to be determined.

Prohibition.

“(B) The individual farm program acreage may not be further reduced by application of the allocation factor if the producers reduce the acreage of rice planted for harvest on the farm from the crop acreage base established for the farm under title V by at least the percentage recommended by the Secretary in the proclamation of the national program acreage.

7 USC 1461.

“(C) The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of rice planted for harvest is less than the crop acreage base established for the farm under title V, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

“(D) In establishing the allocation factor for rice, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this subsection.

“(e) The farm program payment yields for farms for each crop of rice shall be determined under title V.

“(f)(1)(A) Notwithstanding any other provision of this Act, if the Secretary determines that the total supply of rice, in the absence of an acreage limitation program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency, the Secretary may provide for any crop of rice an acreage limitation program as described in paragraph (2).

“(B) In making a determination under clause (i), the Secretary shall take into consideration the number of acres placed in the conservation acreage reserve established under section 1231 of the Food Security Act of 1985.

Post, p. 1509.

“(C) If the Secretary elects to put an acreage limitation program into effect for any crop year, the Secretary shall announce any such program not later than January 31 of the calendar year in which the crop is harvested.

“(D) The Secretary shall, to the maximum extent practicable, carry out an acreage limitation program described in paragraph (2) for a crop of rice in a manner that will result in a carryover of 30 million hundredweight of rice.

“(2)(A) If a rice acreage limitation program is announced under paragraph (1), such limitation shall be achieved by applying a uniform percentage reduction (not to exceed 35 percent) to the rice crop acreage base for the crop for each rice-producing farm.

“(B) Except as provided in subsection (g), producers who knowingly produce rice in excess of the permitted rice acreage for the farm, as established in accordance with subparagraph (A), shall be ineligible for rice loans, purchases, and payments with respect to that farm.

“(C) Rice crop acreage bases for each crop of rice shall be determined under title V.

“(D)(i) A number of acres on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such number shall be determined by dividing—

7 USC 1461.
Conservation.
Regulations.

“(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of rice times the number of acres planted to such commodity; by

“(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary.

“(ii) The number of acres determined under clause (i) is hereafter in this subsection referred to as ‘reduced acreage’.

“(E) If an acreage limitation program is announced under paragraph (1) for a crop of rice, subsection (d) shall not be applicable to such crop, including any prior announcement that may have been made under such subsection with respect to such crop. Except as provided in subsection (c)(1)(B), the individual farm program acreage shall be the acreage planted on the farm to rice for harvest within the permitted rice acreage for the farm as established under this paragraph.

Prohibition.

“(3)(A) The regulations issued by the Secretary under paragraph (2) with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

Regulations.
Conservation.

“(B) Subject to subparagraph (C), the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

“(C)(i) Except as provided in clause (ii), the Secretary shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State and subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage diverted from production by participating producers in such State to be devoted to—

“(I) hay and grazing, in the case of the 1986 crop of rice; and

“(II) grazing, in the case of each of the 1987 through 1990 crops of rice.

Prohibition.

"(ii) Haying and grazing shall not be permitted for any crop of rice under clause (i) during any 5-consecutive-month period that is established for such crop for a State by the State committee established under section 8(b) of such Act.

16 USC 590h.

Conservation.
Contracts.

"(4)(A) The Secretary may make land diversion payments to producers of rice, whether or not an acreage limitation program for rice is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

Contracts.

"(B) The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

"(C) The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

Wildlife refuge.

"(5)(A) The reduced acreage and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(B) The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A).

Regulations.

"(C) The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(7)(A) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

"(B) The Secretary may, by mutual agreement with producers on a farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(g)(1) The Secretary may, for each of the 1986 through 1990 crops of rice, make payments available to producers who meet the requirements of this subsection.

"(2) Such payments shall be—

"(A) made in the form of rice owned by the Commodity Credit Corporation; and

"(B) subject to the availability of such rice.

"(3)(A) Payments under this subsection shall be determined in the same manner as provided in subsection (b).

“(B) The quantity of rice to be made available to a producer under this subsection shall be equal in value to the payments so determined under such subsection.

“(4) A producer shall be eligible to receive a payment under this subsection for a crop if the producer—

“(A) agrees to forgo obtaining a loan or purchase agreement under subsection (a);

“(B) agrees to forgo receiving payments under subsection (c);

“(C) does not plant rice for harvest in excess of the crop acreage base reduced by one-half of any acreage required to be diverted from production under subsection (f); and

“(D) otherwise complies with this section.

“(h)(1) If the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines are equitable in relation to the seriousness of the failure.

“(2) The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

“(i) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

Regulations.

“(j) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

“(k) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

“(l) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

“(m) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

“(n)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans, purchases, or payments under this section.

“(2) The Secretary may require that, as a condition of eligibility of producers on a farm for loans, purchases, or payments under this section, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect shall not exceed the crop acreage base established for the farm for that commodity.

Prohibition.

“(3) The Secretary may not require producers on a farm, as a condition of eligibility for loans, purchases, or payments under this section for such farm, to comply with the terms and conditions of the rice program with respect to any other farm operated by such producers.”.

Prohibition.

MARKETING LOAN FOR THE 1985 CROP OF RICE

SEC. 602. Effective for the 1985 crop of rice, section 101(i)(1) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(1)) is amended—

- (1) by inserting "(A)" after the paragraph designation; and
- (2) by adding at the end thereof the following new paragraphs:

paragraphs:

"(B)(i) Beginning April 15, 1986, the Secretary shall permit an eligible producer to repay a loan made under subparagraph (A) with respect to the 1985 crop at a level that is the lesser of—

"(I) the loan level determined for such crop; or

"(II) the prevailing world market price for rice, as determined by the Secretary.

Regulations.

"(ii) The Secretary shall prescribe by regulation—

"(I) a formula to define the prevailing world market price for rice; and

"(II) a mechanism by which the Secretary shall announce periodically the prevailing world market price for rice.

"(iii) To be eligible to repay a loan in accordance with clause (i), a producer must have a loan made under subparagraph (A) outstanding on April 15, 1986.

"(iv) A loan made under this subsection shall have a term of more than 9 months beginning after the month in which the application for the loan is made. The Secretary may extend the maturity date of loans made for the 1985 crop of rice as necessary to permit the orderly marketing of such rice.

"(v) As a condition to permitting a producer to repay a loan provided in this subparagraph, the Secretary may require a producer to purchase negotiable marketing certificates equal in value to an amount that does not exceed the difference, as determined by the Secretary, between the amount of the loan obtained by the producer and the amount of the loan repayment. Such certificates shall be negotiable.

"(vi) Such certificates shall be redeemable for rice owned by the Commodity Credit Corporation valued at the prevailing market price, as determined by the Secretary. If such rice is not available in the State in which the rice pledged as collateral for the loan was produced or at such other location outside of such State as may be approved by the owner of such certificate, such certificate shall be redeemable in cash.

Regulations.

"(vii) The Commodity Credit Corporation, under regulations prescribed by the Secretary, shall assist any person receiving marketing certificates under this subparagraph in the redemption and marketing of such certificates. Insofar as practicable, the Secretary shall permit an owner of a certificate to designate the storage facility at which such owner would prefer to receive rice in exchange for such certificate.

"(viii) If any such certificate is not presented for redemption and marketing within a reasonable number of days after issuance as determined by the Secretary, reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after such reasonable number of days and ending with the date of the presentation of such certificate to the Commodity Credit Corporation.

"(C)(i) Beginning April 15, 1986, the Secretary shall, for the crop of rice, make payments available to—

Contracts.

"(I) producers who have produced rice, and although eligible to obtain a loan or purchase agreement under this subsection, did not obtain such loan or agreement, and have not sold or delivered such rice under a sales contract; and

“(II) producers who have produced rice that is not eligible to be placed under loan and have not sold or delivered such rice under a sales contract.

Contracts.

“(ii) A payment under this subparagraph shall be computed by multiplying—

“(I) the loan payment rate; by

“(II) the quantity of rice the producer has not sold or delivered under a sales contract.

Contracts.

“(iii) For purposes of this subparagraph, the loan payment rate shall be the amount by which—

“(I) the loan level determined for the 1985 crop; exceeds

“(II) the level at which a loan may be repaid under subparagraph (B).

“(iv) The Secretary may make all or part of a payment under this subparagraph in the form of negotiable marketing certificates, subject to the terms and conditions provided in subparagraph (B).

“(D) The payment limitation provided in section 1101 of the Agriculture and Food Act of 1981 (7 U.S.C. 1308) shall not apply to—

Prohibition.

“(i) any gain realized by a producer from repaying a loan for the 1985 crop of rice at the rate permitted under subparagraph (B); or

“(ii) any payment received for a crop of rice under subparagraph (C).”.

MARKETING CERTIFICATES

SEC. 603. (a) Notwithstanding any other provision of law, whenever, during the period beginning August 1, 1986, and ending July 31, 1991, the world price for a class of rice (adjusted to United States qualities and location), as determined by the Secretary of Agriculture, is below the current loan repayment rate for that class of rice, to make United States rice competitive in world markets and to maintain and expand exports of rice produced in the United States, the Commodity Credit Corporation, under such regulations as the Secretary may prescribe, shall make payments, through the issuance of negotiable marketing certificates, to persons who have entered into an agreement with the Commodity Credit Corporation to participate in the program established under this section. Such payments shall be made in such monetary amounts and subject to such terms and conditions as the Secretary determines will make rice produced in the United States available at competitive prices consistent with the purposes of this section, including such payments as may be necessary to make rice in inventory on August 1, 1986, available on the same basis.

7 USC 1441-1a.

(b) The value of each certificate issued under subsection (a) shall be based on the difference between—

(1) the loan repayment rate for the class of rice; and

(2) the prevailing world market price for the class of rice, as determined by the Secretary of Agriculture under a published formula submitted for public comment before its adoption.

(c) The Commodity Credit Corporation, under regulations prescribed by the Secretary of Agriculture, may assist any person receiving marketing certificates under this section in the redemption of certificates for cash, or marketing or exchange of such certificates for (1) rice owned by the Commodity Credit Corporation or (2) (if the Secretary and the person agree) other agricultural commodities or the products thereof owned by the Commodity Credit Corporation, at such times, in such manner, and at such price

Regulations.

- for any 2 of the 3 marketing years preceding the marketing year for which the determination is being made was not produced, or considered produced, on the farm.
- Prohibition. “(B) For the purposes of this paragraph, the farm poundage quota for any such preceding marketing year shall not include—
- “(i) any increases for undermarketing of quota peanuts for the 2 previous years; or
 - “(ii) any increase resulting from the allocation of quota peanuts voluntarily released for one year under paragraph (7).
- “(4) For purposes of this subsection, the farm poundage quota shall be considered produced on a farm if—
- “(A) the farm poundage quota was not produced on the farm because of drought, flood, or any other natural disaster, or any other condition beyond the control of the producer, as determined by the Secretary; or
 - “(B) the farm poundage quota for the farm was released voluntarily under paragraph (7) for only 1 of the 3 marketing years immediately preceding the marketing year for which the determination is being made.
- “(5) Notwithstanding any other provision of law—
- “(A) the farm poundage quota established for a farm under this subsection, or any part of such quota, may be permanently released by the owner of the farm, or the operator with the permission of the owner; and
 - “(B) the poundage quota for the farm for which such quota was released shall be adjusted downward to reflect the quota that was so released.
- “(6)(A) Except as provided in subparagraph (B), the total amount of the farm poundage quotas reduced or voluntarily released from farms in a State for any marketing year under paragraphs (3) and (5) shall be allocated, as the Secretary may by regulation prescribe, to other farms in the State on which peanuts were produced in at least 2 of the 3 crop years immediately preceding the year for which such allocation is being made.
- “(B) Not less than 25 percent of such total amount of farm poundage quota in the State shall be allocated to farms for which the farm poundage quota was established for the immediately preceding year’s crop.
- Regulations. “(7)(A) The farm poundage quota, or any portion thereof, established for a farm for a marketing year may be voluntarily released to the Secretary to the extent that such quota, or any part thereof, will not be produced on the farm for the marketing year. Any farm poundage quota so released in a State shall be allocated to other farms in the State on such basis as the Secretary may by regulation prescribe.
- Prohibition. “(B) Any adjustment in the farm poundage quota for a farm under subparagraph (A) shall be effective only for the marketing year for which it is made and shall not be taken into consideration in establishing a farm poundage quota for the farm from which such quota was released for any subsequent marketing year.
- “(8)(A) Except as provided in subparagraph (B), the farm poundage quota for a farm for any marketing year shall be increased by the number of pounds by which the total marketings of quota peanuts from the farm during previous marketing years (excluding the marketing year before the marketing year for the 1984 crop) were less than the total amount of applicable farm poundage quota

(disregarding adjustments for undermarketings from previous marketing years) for such marketing years.

“(B) For purposes of subparagraph (A), no increase for undermarketings in previous marketing years shall be made to the poundage quota for any farm to the extent that the poundage quota for such farm for the marketing year was reduced under paragraph (3) for failure to produce. Prohibition.

“(C) Any increases in farm poundage quotas under this paragraph shall not be counted against the national poundage quota for the marketing year involved. Prohibition.

“(D) Any increase in the farm poundage quota for a farm for a marketing year under this paragraph may be used during the marketing year by the transfer of additional peanuts produced on the farm to the quota loan pool for pricing purposes on such basis as the Secretary shall by regulation prescribe. Regulations.

“(9) Notwithstanding the foregoing provisions of this subsection, if the total of all increases in individual farm poundage quotas under paragraph (8) exceeds 10 percent of the national poundage quota for the marketing year in which such increases shall be applicable, the Secretary shall adjust such increases so that the total of all such increases does not exceed 10 percent of the national poundage quota.

“(t)(1) For each farm for which a farm poundage quota is established under subsection (s), and when necessary for purposes of this Act, a farm yield of peanuts shall be determined for each such farm.

“(2) Such yield shall be equal to the average of the actual yield per acre on the farm for each of the 3 crop years in which yields were highest on the farm out of the 5 crop years 1973 through 1977.

“(3) If peanuts were not produced on the farm in at least 3 years during such 5-year period or there was a substantial change in the operation of the farm during such period (including, but not limited to, a change in operator, lessee who is an operator, or irrigation practices), the Secretary shall have a yield appraised for the farm. The appraised yield shall be that amount determined to be fair and reasonable on the basis of yields established for similar farms that are located in the area of the farm and on which peanuts were produced, taking into consideration land, labor, and equipment available for the production of peanuts, crop rotation practices, soil and water, and other relevant factors.

“(u)(1) Not later than December 15 of each calendar year, the Secretary shall conduct a referendum of producers engaged in the production of quota peanuts in the calendar year in which the referendum is held to determine whether such producers are in favor of or opposed to poundage quotas with respect to the crops of peanuts produced in the five calendar years immediately following the year in which the referendum is held, except that, if as many as two-thirds of the producers voting in any referendum vote in favor of poundage quotas, no referendum shall be held with respect to quotas for the second, third, fourth, and fifth years of the period. Prohibition.

“(2) The Secretary shall proclaim the result of the referendum within 30 days after the date on which it is held.

“(3) If more than one-third of the producers voting in the referendum vote against quotas, the Secretary also shall proclaim that poundage quotas will not be in effect with respect to the crop of peanuts produced in the calendar year immediately following the calendar year in which the referendum is held.

“(v) For the purposes of this part and title I of the Agricultural Act of 1949:

“(1) The term ‘additional peanuts’ means, for any marketing year—

“(A) any peanuts that are marketed from a farm for which a farm poundage quota has been established and that are in excess of the marketings of quota peanuts from such farm for such year; and

“(B) all peanuts marketed from a farm for which no farm poundage quota has been established in accordance with subsection (s).

“(2) The term ‘crushing’ means the processing of peanuts to extract oil for food uses and meal for feed uses, or the processing of peanuts by crushing or otherwise when authorized by the Secretary.

“(3) The term ‘domestic edible use’ means use for milling to produce domestic food peanuts (other than those described in paragraph (2)) and seed and use on a farm, except that the Secretary may exempt from this definition seeds of peanuts that are used to produce peanuts excluded under section 359(c), are unique strains, and are not commercially available.

“(4) The term ‘quota peanuts’ means, for any marketing year, any peanuts produced on a farm having a farm poundage quota, as determined in subsection (s), that—

“(A) are eligible for domestic edible use as determined by the Secretary;

“(B) are marketed or considered marketed from a farm; and

“(C) do not exceed the farm poundage quota of such farm for such year.”.

SALE, LEASE, OR TRANSFER OF FARM POUNDAGE QUOTA

SEC. 703. Effective only for the 1986 through 1990 crops of peanuts, section 358a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358a) is amended by adding at the end thereof the following:

“(k)(1) Subject to such terms, conditions, or limitations as the Secretary may prescribe, the owner, or the operator with permission of the owner, of any farm for which a farm poundage quota has been established under this Act may sell or lease all or any part of such poundage quota to any other owner or operator of a farm within the same county for transfer to such farm, except that any such lease of poundage quota may be entered into in the fall or after the normal planting season but only—

“(A) if the quota has been planted on the farm from which the quota is to be leased; and

“(B) under such terms and conditions as the Secretary may by regulation prescribe.

“(2) The owner or operator of a farm may transfer all or any part of the farm poundage quota for such farm to any other farm owned or controlled by such owner or operator that is in the same county or in a county contiguous to such county in the same State and that had a farm poundage quota for the preceding year’s crop.

“(3) Notwithstanding paragraphs (1) and (2), in the case of any State for which the poundage quota allocated to the State was less than 10,000 tons for the preceding year’s crop, all or any part of a farm poundage quota may be transferred by sale or lease or otherwise from a farm in one county to a farm in another county in the same State.

7 USC 1359.

Regulations.

“(1) Transfers (including transfer by sale or lease) of farm poundage quotas under this section shall be subject to all of the following conditions: Prohibitions.

“(1) No transfer of the farm poundage quota from a farm subject to a mortgage or other lien shall be permitted unless the transfer is agreed to by the lienholders.

“(2) No transfer of the farm poundage quota shall be permitted if the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act determines that the receiving farm does not have adequate tillable cropland to produce the farm poundage quota. 16 USC 590h.

“(3) No transfer of the farm poundage quota shall be effective until a record thereof is filed with the county committee of the county to which such transfer is made and such committee determines that the transfer complies with this section.

“(4) Such other terms and conditions that the Secretary may by regulation prescribe.” Regulations.

MARKETING PENALTIES; DISPOSITION OF ADDITIONAL PEANUTS

SEC. 704. Effective only for the 1986 through 1990 crops of peanuts, section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359) is amended by adding at the end thereof the following:

“(m)(1)(A) The marketing of any peanuts for domestic edible use in excess of the farm poundage quota for the farm on which such peanuts are produced shall be subject to penalty at a rate equal to 140 percent of the support price for quota peanuts for the marketing year in which such marketing occurs.

“(B) For purposes of this section, the marketing year for peanuts shall be the 12-month period beginning August 1 and ending July 31.

“(C) The marketing of any additional peanuts from a farm shall be subject to the same penalty unless such peanuts, in accordance with regulations established by the Secretary, are— Regulations.

“(i) placed under loan at the additional loan rate in effect for such peanuts under section 108B of the Agricultural Act of 1949 and not redeemed by the producers; Post, p. 1439.

“(ii) marketed through an area marketing association designated pursuant to section 108B(3)(A) of the Agricultural Act of 1949; or

“(iii) marketed under contracts between handlers and producers pursuant to subsection (q). Contracts.

“(2) Such penalty shall be paid by the person who buys or otherwise acquires the peanuts from the producer or, if the peanuts are marketed by the producer through an agent, the penalty shall be paid by such agent. Such person or agent may deduct an amount equivalent to the penalty from the price paid to the producer.

“(3) If the person required to collect the penalty fails to collect such penalty, such person and all persons entitled to share in the peanuts marketed from the farm or the proceeds thereof shall be jointly and severally liable for the amount of the penalty.

“(4) Peanuts produced in a calendar year in which farm poundage quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though the peanuts are marketed prior to the date on which such marketing year begins.

“(5) If any producer falsely identifies or fails to certify planted acres or fails to account for the disposition of any peanuts produced

- Ante*, p. 1430. on such planted acres, an amount of peanuts equal to the farm's average yield, as determined under section 358(t), times the planted acres, shall be deemed to have been marketed in violation of permissible uses of quota and additional peanuts. Any penalty payable under this paragraph shall be paid and remitted by the producer.
- Regulations. "(6) The Secretary shall authorize, under such regulations as the Secretary shall issue, the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or reduce marketing penalties provided for under this subsection in cases in which such committees determine that the violations that were the basis of the penalties were unintentional or without knowledge on the part of the parties concerned.
- 16 USC 590h. "(7) Errors in weight that do not exceed one-tenth of 1 percent in the case of any one marketing document shall not be considered to be marketing violations except in cases of fraud or conspiracy.
- Prohibition. "(n)(1) Only quota peanuts may be retained for use as seed or for other uses on a farm. When so retained, quota peanuts shall be considered as marketings of quota peanuts, except that the Secretary may exempt from consideration as marketings of quota peanuts seeds of peanuts that are used to produce peanuts excluded under subsection (c), are unique strains, and are not commercially available.
- Prohibition. "(2) Additional peanuts shall not be retained for use on a farm and shall not be marketed for domestic edible use, except as provided in subsection (r).
- "(3) Seed for planting of any peanut acreage in the United States shall be obtained solely from quota peanuts marketed or considered marketed for domestic edible use.
- "(o) On a finding by the Secretary that the peanuts marketed from any crop for domestic edible use by a handler are larger in quantity or higher in grade or quality than the peanuts that could reasonably be produced from the quantity of peanuts having the grade, kernel content, and quality of the quota peanuts acquired by such handler from such crop for such marketing, such handler shall be subject to a penalty equal to 140 percent of the loan level for quota peanuts on the quantity of peanuts that the Secretary determines are in excess of the quantity, grade, or quality of the peanuts that could reasonably have been produced from the peanuts so acquired.
- "(p)(1) Except as provided in paragraph (2), the Secretary shall require that the handling and disposal of additional peanuts be supervised by agents of the Secretary or by area marketing associations designated pursuant to section 108B(3)(A) of the Agricultural Act of 1949.
- Post*, p. 1439. "(2)(A) Supervision of the handling and disposal of additional peanuts by a handler shall not be required under paragraph (1) if the handler agrees in writing, prior to any handling or disposal of such peanuts, to comply with regulations that the Secretary shall issue.
- Prohibition. Regulations. "(B) The regulations issued by the Secretary under subparagraph (A) shall include, but need not be limited to, the following provisions:
- "(i) Handlers of shelled or milled peanuts may export peanuts classified by type in all of the following quantities (less such reasonable allowance for shrinkage as the Secretary may prescribe):

“(I) Sound split kernel peanuts in an amount equal to twice the poundage of such peanuts purchased by the handler as additional peanuts.

“(II) Sound mature kernel peanuts in an amount equal to the poundage of such peanuts purchased by the handler as additional peanuts less the amount of sound split kernel peanuts purchased by the handler as additional peanuts.

“(III) The remaining quantity of total kernel content of peanuts purchased by the handler as additional peanuts and not crushed domestically.

“(ii) Handlers shall ensure that any additional peanuts exported are evidenced by onboard bills of lading, other appropriate documentation as may be required by the Secretary, or both.

“(iii) If a handler suffers a loss of peanuts as a result of fire, flood, or any other condition beyond the control of the handler, the portion of such loss allocated to contracted additional peanuts shall not be greater than the portion of the handler’s total peanut purchases for the year attributable to contracted additional peanuts purchased for export by the handler during such year.

“(3) A handler shall submit to the Secretary adequate financial guarantees, as well as evidence of adequate facilities and assets, to ensure the handler’s compliance with the obligation to export peanuts.

“(4) Quota and additional peanuts of like type and segregation or quality may, under regulations issued by the Secretary, be commingled and exchanged on a dollar value basis to facilitate warehousing, handling, and marketing.

Regulations.

“(5)(A) Except as provided in subparagraph (B), the failure by a handler to comply with regulations issued by the Secretary governing the disposition and handling of additional peanuts shall subject the handler to a penalty at a rate equal to 140 percent of the loan level for quota peanuts on the quantity of peanuts involved in the violation.

Regulations.

“(B) A handler shall not be subject to a penalty for failure to export additional peanuts if such peanuts were not delivered to the handler.

Prohibition.

“(6) If any additional peanuts exported by a handler are reentered into the United States in commercial quantities as determined by the Secretary, the importer thereof shall be subject to a penalty at a rate equal to 140 percent of the loan level for quota peanuts on the quantity of peanuts reentered.

“(q)(1) Handlers may, under such regulations as the Secretary may issue, contract with producers for the purchase of additional peanuts for crushing, export, or both.

Regulations.
Contracts.

“(2) Any such contract shall be completed and submitted to the Secretary (or if designated by the Secretary, the area marketing association) for approval before August 1 of the year in which the crop is produced.

“(3) Each such contract shall contain the final price to be paid by the handler for the peanuts involved and a specific prohibition against the disposition of such peanuts for domestic edible or seed use.

Contracts.

“(r)(1) Subject to section 407 of the Agricultural Act of 1949, any peanuts owned or controlled by the Commodity Credit Corporation may be made available for domestic edible use, in accordance with

7 USC 1427.
Regulations.

regulations issued by the Secretary, so long as doing so does not result in substantially increased cost to the Commodity Credit Corporation. Additional peanuts received under loan shall be offered for sale for domestic edible use at prices not less than those required to cover all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus—

“(A) not less than 100 percent of the loan value of quota peanuts if the additional peanuts are sold and paid for during the harvest season on delivery by and with the written consent of the producer;

“(B) not less than 105 percent of the loan value of quota peanuts if the additional peanuts are sold after delivery by the producer but not later than December 31 of the marketing year; or

“(C) not less than 107 percent of the loan value of quota peanuts if the additional peanuts are sold later than December 31 of the marketing year.

“(2)(A) Except as provided in subparagraph (B), for the period from the date additional peanuts are delivered for loan to March 1 of the calendar year following the year in which such additional peanuts were harvested, the area marketing association designated pursuant to section 108B(3)(A) of the Agricultural Act of 1949 shall have sole authority to accept or reject lot list bids when the sales price, as determined under this subsection, equals or exceeds the minimum price at which the Commodity Credit Corporation may sell its stocks of additional peanuts.

“(B) The area marketing association and the Commodity Credit Corporation may agree to modify the authority granted by subparagraph (A) to facilitate the orderly marketing of additional peanuts.

“(s)(1) The person liable for payment or collection of any penalty provided for in this section shall be liable also for interest thereon at a rate per annum equal to the rate per annum of interest that was charged the Commodity Credit Corporation by the Treasury of the United States on the date such penalty became due.

“(2) This section shall not apply to peanuts produced on any farm on which the acreage harvested for nuts is one acre or less if the producers who share in the peanuts produced on such farm do not share in the peanuts produced on any other farm.

“(3) Until the amount of the penalty provided by this section is paid, a lien on the crop of peanuts with respect to which such penalty is incurred, and on any subsequent crop of peanuts subject to farm poundage quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States.

“(4)(A) Notwithstanding any other provision of law, the liability for and the amount of any penalty assessed under this section shall be determined in accordance with such procedures as the Secretary by regulation may prescribe. The facts constituting the basis for determining the liability for or amount of any penalty assessed under this section, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

“(B) Nothing in this section shall be construed as prohibiting any court of competent jurisdiction from reviewing any determination made by the Secretary with respect to whether such determination was made in conformity with the applicable law and regulations.

Post, p. 1439.

Prohibition.

Regulations.
Prohibition.

Prohibition.

“(C) All penalties imposed under this section shall for all purposes be considered civil penalties.

“(5)(A) Notwithstanding any other provision of law and except as provided in subparagraph (B), the Secretary may reduce the amount of any penalty assessed against handlers under this section if the Secretary finds that the violation on which the penalty is based was minor or inadvertent, and that the reduction of the penalty will not impair the operation of the peanut program.

“(B) The amount of any penalty imposed on a handler under this section that resulted from the failure to export contracted additional peanuts may not be reduced by the Secretary.”.

Contracts.
Prohibition.

PRICE SUPPORT PROGRAM

SEC. 705. Effective only for the 1986 through 1990 crops of peanuts, the Agricultural Act of 1949 is amended by adding after section 108A the following:

“PRICE SUPPORT FOR 1986 THROUGH 1990 CROPS OF PEANUTS

“SEC. 108B. Notwithstanding any other provision of law:

7 USC 1445c-2.

“(1)(A) The Secretary shall make price support available to producers through loans, purchases, and other operations on quota peanuts for each of the 1986 through 1990 crops.

“(B)(i) The national average quota support rate for the 1986 crop of quota peanuts shall be equal to the national average support rate established for the 1985 crop of quota peanuts, adjusted by the Secretary by a percentage equal to the percentage of any increase in the prices paid by producers for commodities and services, interest, taxes, and wage rates during the period beginning with calendar year 1981 and ending with calendar year 1985, as determined by the Secretary.

“(ii) The national average quota support rate for each of the 1987 through 1990 crops of quota peanuts shall be the national average quota support rate for the immediately preceding crop, adjusted to reflect any increase, during the calendar year immediately preceding the marketing year for the crop for which a level of support is being determined, in the national average cost of peanut production, excluding any change in the cost of land, except that in no event shall the national average quota support rate for any such crop exceed by more than 6 percent the national average quota support rate for the preceding crop.

Prohibition.

“(C) The levels of support so announced shall not be reduced by any deductions for inspection, handling, or storage.

Prohibition.

“(D) The Secretary may make adjustments for location of peanuts and such other factors as are authorized by section 403.

7 USC 1423.

“(E) The Secretary shall announce the level of support for quota peanuts of each crop not later than February 15 preceding the marketing year for the crop for which the level of support is being determined.

“(2)(A) The Secretary shall make price support available to producers through loans, purchases, or other operations on additional peanuts for each of the 1986 through 1990 crops at such levels as the Secretary finds appropriate, taking into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets, except that the

Secretary shall set the support rate on additional peanuts at the level estimated by the Secretary to ensure that there are no losses to the Commodity Credit Corporation on the sale or disposal of such peanuts.

“(B) The Secretary shall announce the level of support for additional peanuts of each crop not later than February 1 preceding the marketing year for the crop for which the level of support is being determined.

“(3)(A)(i) In carrying out paragraphs (1) and (2), the Secretary shall make warehouse storage loans available in each of the three producing areas (described in section 1446.60 of title 7 of the Code of Federal Regulations (January 1, 1985)) to a designated area marketing association of peanut producers that is selected and approved by the Secretary and that is operated primarily for the purpose of conducting such loan activities. The Secretary may not make warehouse storage loans available to any cooperative that is engaged in operations or activities concerning peanuts other than those operations and activities specified in this section and section 359 of the Agricultural Adjustment Act of 1938.

Ante, p. 1435.

“(ii) Such area marketing associations shall be used to perform administrative and supervisory activities relating to price support and marketing activities under this section and section 359 of the Agricultural Adjustment Act of 1938.

“(iii) Loans made under this subparagraph shall include, in addition to the price support value of the peanuts, such costs as the area marketing association reasonably may incur in carrying out its responsibilities, operations, and activities under this section and section 359 of the Agricultural Adjustment Act of 1938.

New Mexico.

“(B)(i) The Secretary shall require that each area marketing association establish pools and maintain complete and accurate records by area and segregation for quota peanuts handled under loan and for additional peanuts placed under loan, except that separate pools shall be established for Valencia peanuts produced in New Mexico. Bright hull and dark hull Valencia peanuts shall be considered as separate types for the purpose of establishing such pools.

“(ii) Net gains on peanuts in each pool, unless otherwise approved by the Secretary, shall be distributed only to producers who placed peanuts in the pool and shall be distributed in proportion to the value of the peanuts placed in the pool by each producer. Net gains for peanuts in each pool shall consist of the following:

“(I) For quota peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on quota peanuts placed in such pool plus an amount from the pool for additional peanuts, to the extent of the net gains from the sale for domestic food and related uses of additional peanuts in the pool for additional peanuts equal to any loss on disposition of all peanuts in the pool for quota peanuts.

“(II) For additional peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on additional peanuts placed in the pool for additional peanuts less an amount allocated to offset any loss on the pool for quota peanuts as provided in subclause (I).

“(4) Notwithstanding any other provision of this section:

“(A) Any distribution of net gains on additional peanuts shall be first reduced to the extent of any loss by the Commodity Credit Corporation on quota peanuts placed under loan.

“(B)(i) The proceeds due any producer from any pool shall be reduced by the amount of any loss that is incurred with respect to peanuts transferred from an additional loan pool to a quota loan pool under section 358(s)(8) of the Agricultural Adjustment Act of 1938.

“(ii) Losses in area quota pools, other than losses incurred as a result of transfers from additional loan pools to quota loan pools under section 358(s)(8) of the Agricultural Adjustment Act of 1938, shall be offset by any gains or profits from pools in other production areas (other than separate type pools established under paragraph (3)(B)(i) for Valencia peanuts produced in New Mexico) in such manner as the Secretary shall by regulation prescribe.

“(5) Notwithstanding any other provision of law, no price support may be made available by the Secretary for any crop of peanuts with respect to which poundage quotas have been disapproved by producers, as provided for in section 358(u) of the Agricultural Adjustment Act of 1938.”

Ante, p. 1430.
New Mexico.
Regulations.

Prohibition.

REPORTS AND RECORDS

SEC. 706. Effective only for the 1986 through 1990 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended by inserting before “all brokers and dealers in peanuts” the following: “all producers engaged in the production of peanuts,”.

SUSPENSION OF CERTAIN PRICE SUPPORT PROVISIONS

SEC. 707. Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) shall not be applicable to the 1986 through 1990 crops of peanuts.

Prohibition.
7 USC 1441 note.

TITLE VIII—SOYBEANS

SOYBEAN PRICE SUPPORT

SEC. 801. Effective only for the 1986 through 1990 crops of soybeans, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended by—

(1) inserting “soybeans,” after “tung nuts,” in the first sentence; and

(2) adding at the end thereof the following new subsection:

“(i)(1)(A) The Secretary shall support the price of soybeans through loans and purchases in each of the 1986 through 1990 marketing years as provided in this subsection.

“(B) The support price for the 1986 and 1987 crops of soybeans shall be \$5.02 per bushel.

“(C) The support price for each of the 1988 through 1990 crops of soybeans shall be established at a level equal to 75 percent of the simple average price received by producers for soybeans in the preceding 5 marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, except that the level of price

Prohibition.

support may not be reduced by more than 5 percent in any year and in no event below \$4.50 per bushel.

Prohibition.

“(2) If the Secretary determines that the level of loans or purchases computed for a marketing year under paragraph (1) would discourage the exportation of soybeans and cause excessive stocks of soybeans in the United States, the Secretary may reduce the level of loans and purchases for soybeans for the marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for soybeans, except that the level of loans and purchases may not be reduced by more than 5 percent in any year and in no event below \$4.50 per bushel. Any reduction in the loan and purchase level for soybeans under this paragraph shall not be considered in determining the loan and purchase level for soybeans for subsequent years.

Loans.

“(3)(A) If the Secretary determines that such action will assist in maintaining the competitive relationship of soybeans in domestic and export markets after taking into consideration the cost of producing soybeans, supply and demand conditions, and world prices for soybeans, the Secretary may permit a producer to repay a loan made under this subsection for a crop at a level that is the lesser of—

“(i) the loan level determined for such crop; or

“(ii) the prevailing world market price for soybeans, as determined by the Secretary.

Regulations.

“(B) If the Secretary makes the determination described in subparagraph (A), the Secretary shall prescribe by regulation—

“(i) a formula to define the prevailing world market price for soybeans; and

“(ii) a mechanism by which the Secretary shall periodically announce the prevailing world market price for soybeans.

“(4) For purposes of this subsection, the soybean marketing year is the 12-month period beginning on September 1 and ending on August 31.

“(5)(A) The Secretary shall make a preliminary announcement of the level of price support for soybeans for a marketing year not earlier than 30 days before the beginning of the marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

Prohibition.

“(B) The Secretary shall make a final announcement of such level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. Such final level of support may not be announced later than October 1 of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

Prohibition.

“(6) Notwithstanding any other provision of law—

“(A) the Secretary shall not require participation in any production adjustment program for soybeans or any other commodity as a condition of eligibility for price support for soybeans;

Prohibitions.

“(B) the Secretary shall not permit the planting of soybeans for harvest on reduced acreage or acreage set aside or diverted from production under any other Federal Government program;

“(C) the Secretary may not authorize payments to producers to cover the cost of storing soybeans; and

“(D) soybeans may not be considered an eligible commodity for any reserve program.”.

TITLE IX—SUGAR

SUGAR PRICE SUPPORT

SEC. 901. Effective only for the 1986 through 1990 crops of sugar beets and sugarcane, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) (as amended by section 801 of this Act) is further amended by—

(1) striking out “honey, and milk” in the first sentence and inserting in lieu thereof “honey, milk, sugar beets, and sugarcane”; and Honey.
Milk.

(2) adding at the end thereof the following new subsection:
“(j)(1) The price of each of the 1986 through 1990 crops of sugar beets and sugarcane, respectively, shall be supported in accordance with this subsection.

“(2) The Secretary shall support the price of domestically grown sugarcane through nonrecourse loans at such level as the Secretary determines appropriate but not less than 18 cents per pound for raw cane sugar, except that such level may be increased under paragraph (4). Loans.

“(3) The Secretary shall support the price of domestically grown sugar beets through nonrecourse loans at such level as the Secretary determines is fair and reasonable in relation to the loan level for sugarcane. Loans.

“(4)(A) The Secretary may increase the support price for each of the 1986 through 1990 crops of domestically grown sugarcane and sugar beets from the price determined for the preceding crop based on such factors as the Secretary determines appropriate, including changes (during the 2 crop years immediately preceding the crop year for which the determination is made) in the cost of sugar products, the cost of domestic sugar production, and other circumstances that may adversely affect domestic sugar production.

“(B) If the Secretary makes a determination not to increase the support price under subparagraph (A), the Secretary shall submit a report containing the findings, decision, and supporting data for such determination to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(5) The Secretary shall announce the loan rate to be applicable during any fiscal year under this subsection as far in advance of the beginning of that fiscal year as is practicable consistent with the purposes of this subsection. Loans.

“(6) Loans under this subsection during any fiscal year shall be made available not earlier than the beginning of such fiscal year and shall mature before the end of such fiscal year.”. Loans.

PREVENTION OF SUGAR LOAN FORFEITURES

SEC. 902. (a) Beginning with the quota year for sugar imports which begins after the 1985/1986 quota year, the President shall use all authorities available to the President as is necessary to enable the Secretary of Agriculture to operate the sugar program established under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) at no cost to the Federal Government by preventing the 7 USC 1446 note.

Ante, pp. 1362,
1441; *supra*.

accumulation of sugar acquired by the Commodity Credit Corporation.

President of U.S.

(b) Effective only for the 1985/1986 quota year for sugar imports, the President shall—

(1) modify the 1985/1986 quota year for imports for sugar so that such quota year will end no earlier than December 31, 1986, and rearrange the shipping schedules so that shipments are divided equally throughout the quota year, as extended; or

(2) require that the sugar program be administered in such a manner as will result in the forfeiture of sugar held by the Commodity Credit Corporation as collateral for price support loans in a quantity no greater than the total quantity (determined by the Secretary of Agriculture) that would have been forfeited to the Commodity Credit Corporation had the 1985/1986 quota year been modified as prescribed in clause (1).

Prohibition.
Cuba.

(c) Beginning with the quota year for sugar imports which begins after the 1985/1986 quota year, the President shall not allocate any of the sugar import quota under such provisions to any country that is a net importer of sugar derived from sugarcane or sugar beets unless the appropriate officials of that country verify to the President that that country does not import for reexport to the United States any sugar produced in Cuba.

PROTECTION OF SUGAR PRODUCERS

SEC. 903. (a) Section 401(e) of the Agricultural Act of 1949 (7 U.S.C. 1421(e)) is amended by—

(1) inserting “(1)” after the subsection designation; and

(2) adding at the end thereof the following new paragraph:

Contracts.

“(2)(A) If the assurances under paragraph (1) are not adequate to cause the producers of sugar beets and sugarcane, because of the bankruptcy or other insolvency of the processor, to receive maximum benefits from the price support program within 30 days after the final settlement date provided for in the contract between such producers and processor, the Secretary, on demand made by such producers and on such assurances as to nonpayment as the Secretary shall require, shall pay such producers such maximum benefits less benefits previously received by such producers.

“(B) On such payment, the Secretary shall—

“(i) be subrogated to all claims of such producers against the processor and other persons responsible for nonpayment; and

“(ii) have authority to pursue such claims as necessary to recover the benefits not paid to the producers.

“(C) The Secretary shall carry out this paragraph through the Commodity Credit Corporation.”.

7 USC 1421 note.

(b) The amendments made by this section shall apply to nonpayments occurring after January 1, 1985.

TITLE X—GENERAL COMMODITY PROVISIONS

SUBTITLE A—MISCELLANEOUS COMMODITY PROVISIONS

PAYMENT LIMITATIONS

Prohibitions.
7 USC 1308.

SEC. 1001. Notwithstanding any other provision of law:

(1) For each of the 1986 through 1990 crops, the total amount of payments (excluding disaster payments) that a person shall be

entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for wheat, feed grains, upland cotton, extra long staple cotton, and rice may not exceed \$50,000.

(2) For each of the 1986 through 1990 crops, the total amount of disaster payments that a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949 for wheat, feed grains, upland cotton, and rice may not exceed \$100,000.

(3) As used in this section, the term "payments" does not include—

(A) loans or purchases;

(B) any part of any payment that is determined by the Secretary of Agriculture to represent compensation for resource adjustment (excluding land diversion payments) or public access for recreation;

(C) any gain realized by a producer from repaying a loan for a crop of wheat, feed grains, upland cotton, or rice at the rate permitted under section 107D(a)(5), 105C(a)(4), 103A(a)(5), or 101A(a)(5), respectively, of the Agricultural Act of 1949;

(D) any deficiency payment received for a crop of wheat or feed grains under section 107D(c)(1) or 105C(c)(1), respectively, of such Act as the result of a reduction of the loan level for such crop under section 107D(a)(4) or 105C(a)(3) of such Act;

(E) any loan deficiency payment received for a crop of wheat, feed grains, upland cotton, or rice under section 107D(b), 105C(b), 103A(b), or 101A(b), respectively, of such Act;

(F) any inventory reduction payment received for a crop of wheat, feed grains, upland cotton, or rice under section 107D(g), 105C(g), 103A(g), or 101A(g), respectively, of such Act;

(G) any increased established price payments under section 105C(c)(1)(E) or 107D(c)(1)(E), respectively, of such Act; or

(H) any benefit received as a result of any cost reduction action by the Secretary under section 1009 of this Act.

(4) If the Secretary determines that the total amount of payments that will be earned by any person under the program in effect for any crop will be reduced under this section, any acreage requirement established under a set-aside or acreage limitation program for the farm or farms on which such person will be sharing in payments earned under such program shall be adjusted to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

(5)(A) The Secretary shall issue regulations—

(i) defining the term "person"; and

(ii) prescribing such rules as the Secretary determines necessary to assure a fair and reasonable application of the limitation established under this section.

(B) The regulations issued by the Secretary on December 18, 1970, under section 101 of the Agricultural Act of 1970 (7 U.S.C. 1307) shall be used to establish the percentage ownership of a corporation by the stockholders of such corporation for the purpose of determining whether such corporation and stockholders are separate persons under this section.

(6) The provisions of this section that limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed

Ante, pp. 1383,
1395, 1407, 1419.

Regulations.

Regulations.

Prohibition.

primarily in the direct furtherance of a public function, as determined by the Secretary.

ADVANCE DEFICIENCY AND DIVERSION PAYMENTS

SEC. 1002. Effective only for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice, section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) is amended to read as follows:

"SEC. 107C. (a)(1) If the Secretary establishes an acreage limitation or set-aside program for any of the 1986 through 1990 crops of wheat, feed grains, upland cotton, or rice under this Act and determines that deficiency payments will likely be made for such commodity for such crop, the Secretary—

"(A) shall make advance deficiency payments available to producers who agree to participate in such program for the 1986 crop; and

"(B) may make such payments available to such producers for each of the 1987 through 1990 crops.

"(2) Advance deficiency payments under paragraph (1) shall be made to the producer under the following terms and conditions:

"(A) Such payments may be made available in the form of—

"(i) cash;

"(ii) commodities owned by the Commodity Credit Corporation and negotiable certificates redeemable in a commodity owned by the Commodity Credit Corporation, except that not more than 50 percent of such payments may be made in commodities or such certificates in the case of any producer; or

"(iii) any combination of clauses (i) and (ii).

"(B) If payments are made available to producers as provided for under subparagraph (A)(ii), such producers may elect to receive such payments either in the form of—

"(i) such commodities; or

"(ii) such certificates.

"(C) Such a certificate shall be redeemable for a period not to exceed 3 years from the date such certificate is issued.

"(D) The Commodity Credit Corporation shall pay the cost of storing a commodity that may be received under such a certificate until such time as the certificate is redeemed.

"(E) Such payments shall be made available as soon as practicable after the producer enters into a contract with the Secretary to participate in such program.

"(F) Such payments shall be made available in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that such amount may not exceed an amount determined by multiplying—

"(i) the estimated farm program acreage for the crop, by

"(ii) the farm program payment yield for the crop, by

"(iii) 50 percent of the projected payment rate,

as determined by the Secretary.

"(G) If the deficiency payment payable to a producer for a crop, as finally determined by the Secretary under this Act, is less than the amount paid to the producer as an advance deficiency payment for the crop under this subsection, the producer shall refund an amount equal to the difference between the amount advanced and the amount finally deter-

mined by the Secretary to be payable to the producer as a deficiency payment for the crop concerned.

“(H) If the Secretary determines under this Act that deficiency payments will not be made available to producers on a crop with respect to which advance deficiency payments already have been made under this subsection, the producers who received such advance payments shall refund such payments.

“(I) Any refund required under subparagraph (G) or (H) shall be due at the end of the marketing year for the crop with respect to which such payments were made.

“(J) If a producer fails to comply with requirements established under the acreage limitations or set-aside program involved after obtaining an advance deficiency payment under this subsection, the producer shall repay immediately the amount of the advance, plus interest thereon in such amount as the Secretary shall prescribe by regulation.

Regulations.

“(3) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

Regulations.

“(4) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

“(5) The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provisions of law.

“(b) If the Secretary makes land diversion payments under this Act to assist in adjusting the total national acreage of any of the 1986 through 1990 crops of wheat, feed grains, upland cotton, or rice to desirable levels, the Secretary may make at least 50 percent of such payments available to a producer as soon as possible after the producer agrees to undertake the diversion of land in return for such payments.”

ADVANCE RECOURSE COMMODITY LOANS

SEC. 1003. Effective for the 1986 through 1990 crops, the Agricultural Act of 1949 is amended by inserting after section 423 (7 U.S.C. 1433b) the following new section:

“Sec. 424. Notwithstanding any other provision of this Act, the Secretary may make advance recourse loans available to producers of the commodities of the 1986 through 1990 crops for which nonrecourse loans are made available under this Act if the Secretary finds that such action is necessary to ensure that adequate operating credit is available to producers. Such recourse loans may be made available under such reasonable terms and conditions as the Secretary may prescribe, except that the Secretary shall require that a producer obtain crop insurance for the crop as a condition of eligibility for a loan.”

7 USC 1433c.

INTEREST PAYMENT CERTIFICATES

SEC. 1004. Effective only for the 1986 through 1990 crops, section 405 of the Agricultural Act of 1949 (7 U.S.C. 1425) is amended by—

(1) inserting “(a)” after the section designation; and

(2) adding at the end thereof the following new subsection:

“(b)(1) Notwithstanding any other provision of law, the Secretary may provide a negotiable certificate to any producer who repays, together with interest, a price support loan made available to such producer under any of the annual programs, for wheat, feed grains, upland cotton, or rice established under this Act.

Loans.

Loans.

"(2) The amount of such certificates shall be equal to the amount of the interest paid by the producer on such loan.

"(3) Such certificate shall be redeemable in wheat, feed grains, upland cotton, or rice, as the case may be, owned by the Commodity Credit Corporation.

"(4) The issuance of such certificate shall be subject to the availability of commodities owned by the Corporation."

PAYMENTS IN COMMODITIES

SEC. 1005. The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by inserting after section 107D (as added by section 308 of this Act) the following new section:

7 USC 1445b-4.
Loans.

"SEC. 107E. (a) In making in-kind payments under any of the annual programs for wheat, feed grains, upland cotton, or rice (other than negotiable marketing certificates for upland cotton or rice), the Secretary may—

7 USC 1445e.

"(1) acquire and use like commodities that have been pledged to the Commodity Credit Corporation as security for price support loans, including loans made to producers under section 110; and

"(2) use other like commodities owned by the Commodity Credit Corporation.

"(b) The Secretary may make in-kind payments—

Regulations.

"(1) by delivery of the commodity to the producer at a warehouse or other similar facility, as determined by the Secretary;

"(2) by the transfer of negotiable warehouse receipts;

"(3) by the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for a commodity in accordance with regulations prescribed by the Secretary; or

"(4) by such other methods as the Secretary determines appropriate to enable the producer to receive payments in an efficient, equitable, and expeditious manner so as to ensure that the producer receives the same total return as if the payments had been made in cash."

WHEAT AND FEED GRAIN EXPORT CERTIFICATE PROGRAMS

SEC. 1006. Effective for the 1986 through 1990 crops of wheat and feed grains, the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by inserting after section 107F (as added by section 1005 of this Act), the following new section:

7 USC 1445b-5.

"SEC. 107F. (a)(1) The Secretary may establish a program, applicable to any of the 1986 through 1990 crops of wheat or feed grains, to provide incentives for the export of any of such crops of wheat and feed grains from private stocks. The program for any such crop established under this subsection by the Secretary shall include the following terms:

Loans.

"(A) The Secretary shall issue wheat or feed grain export certificates to producers to whom the Secretary makes loans and payments under section 107D or 105C, respectively, for a crop if such producers comply with the terms and conditions of the program for such crop.

Ante, pp. 1383,
1395.

"(B) Each such certificate shall bear a monetary denomination and a designation specifying a quantity of the crop of the commodity involved, selected by the Secretary.

“(C) The aggregate quantity of wheat or feed grains specified in all export certificates distributable to eligible producers of the crop involved shall be equal to—

“(i) the aggregate amount of wheat or feed grains produced by producers participating in the program for the crop under section 107D or 105C, as determined by multiplying the acreage planted by each such producer for harvest times the farm program payment yield for the commodity, times

Ante, pp. 1383,
1395.

“(ii) an export production factor.

For purposes of this subparagraph, the export production factor for a crop shall be determined by the Secretary by dividing the quantity of such crop harvested domestically that the Secretary estimates will not be used domestically and will be available for export (excluding the portion of the crop expected to be added to carryover stocks) during the marketing year for such crop by the quantity of such crop that the Secretary estimates will be harvested domestically.

“(D) Wheat or feed grain export certificates shall be distributed among eligible producers in a manner that will ensure that each eligible producer receives certificates having an aggregate face value that represents an equal rate of return per unit of wheat or feed grains produced by such producer for such crop. For purposes of determining such rate of return, the Secretary shall take into consideration regional variations in the costs incurred by producers to market the commodity (including transportation costs).

“(E) An export certificate issued under this subsection shall be redeemed by the Secretary for a cash amount equal to the monetary denomination on such certificate (or, at the option of the Secretary, a quantity of the commodity involved having a current fair market value equal to such amount) only on presentation by a holder who exports a quantity of the crop involved (including processed wheat or feed grains) equal to the quantity designated in the certificate and only if the Secretary has not redeemed previously an export certificate issued under this subsection presented in connection with the particular wheat or feed grains so exported.

“(2) The Secretary shall carry out this subsection through the Commodity Credit Corporation. If sufficient funds are available to the Corporation, there shall be expended to carry out this subsection with respect to the export of the crop of wheat or feed grains involved an amount not less than the product of multiplying—

“(A) 21 cents for wheat, 11 cents for corn, and such amounts for grain sorghums, oats, and, if designated by the Secretary, barley as the Secretary determines fair and reasonable in relation to the amount specified for corn, times

“(B) the aggregate of the wheat or feed grain acreage planted to the commodity for harvest by producers participating in the program for the crop with respect to which deficiency payments are available under section 107D or 105C, times

“(C) the average of the program yields for the crop.

“(3) Funds expended to carry out export certificate programs established under this subsection shall be in addition to, and not in place of, funds authorized by any other law to be expended to finance or encourage the export of wheat or feed grains.

“(4) For purposes of facilitating the transfer of export certificates under this subsection, the Commodity Credit Corporation may buy and sell certificates in accordance with regulations prescribed by the Secretary.

“(b)(1) Effective for each of the 1986 through 1990 crops of wheat or feed grains, the Secretary may issue to eligible producers (who, for purposes of this subsection, are producers of wheat or feed grains participating in the program under this Act for such crop who meet the requirements of paragraph (2)) export marketing certificates denominated in bushels of wheat or feed grains, as applicable, for the crop, which shall be used, under such terms and conditions as the Secretary may prescribe consistent with the provisions of this subsection, as follows:

“(A) Not later than 3 months before the beginning of the marketing year for a crop of wheat or feed grains, the Secretary may issue to eligible producers that plant at least 50 percent of the farm's wheat or feed grain crop acreage base for such crop export marketing certificates to be applicable to such marketing year that, in the aggregate, shall equal the quantity of the commodity the Secretary estimates will be exported during the marketing year. Each such eligible producer shall receive export marketing certificates for a quantity of the commodity that bears the same ratio to the quantity of estimated exports as the producer's acreage base for that crop of the commodity bears to the aggregate total of all such eligible producers' crop acreage base for that crop, rounded upward to the nearest full bushel.

“(B) The denomination of export marketing certificates shall be 1 bushel (with no accompanying cash face value), except that the Secretary may issue certificates in multiples of such denomination, and any certificate in the multiple of such denomination, may be exchanged by the producer, at the Commodity Agricultural Stabilization and Conservation Service office, for export marketing certificates representing an equivalent quantity of the commodity in different multiples, to facilitate the operation of the program under this subsection. Each export marketing certificate shall designate the producer by name and the commodity involved.

“(C) If 7 months after the beginning of the marketing year for the crop, the Secretary determines that the amount of the commodity that will be exported during the marketing year for that crop will exceed the aggregate quantity of the commodity represented by all the export marketing certificates so issued, the Secretary may issue additional export marketing certificates to producers that initially received certificates for the crop sufficient to cover the additional exports, such certificates to be apportioned among such producers so that each producer receive the same portion of the additional certificates issued that the producer received of the export certificates initially issued for the crop, as provided in subparagraph (A), rounded upward to the nearest full bushel.

“(D) Producers may convey export marketing certificates issued under this subsection to purchasers of the commodity involved sold by the producers at any time prior to the end of the marketing year for the crop described in the certificate, if the producer has less wheat or feed grains to sell than the quantity represented by the export marketing certificates issued to the producer, because of reduced production or other reasons.

because, in the case of additional certificates issued under subparagraph (C), the producer had disposed of the producer's wheat or feed grains prior to the issuance of such additional certificates, the producer, at any time prior to the end of the marketing year for the crop involved, may sell the extra export marketing certificates to any person for such price as agreed on by the producer and purchaser. Any certificate may be reconveyed without restriction.

“(2) To be eligible to receive export certificates under this subsection for a crop of wheat or feed grains, a producer of such commodity must participate in the program under this title for such crop, and—

“(A) if there is no acreage limitation or set-aside in effect for the crop, limit the acreage on the farm planted to the crop for harvest to the farm's wheat or feed grain crop acreage base, as applicable;

“(B) if an acreage limitation is in effect for the crop, limit the acreage on the farm planted to the crop for harvest to the farm's wheat or feed grain crop acreage base, as applicable, reduced to the extent required under the acreage limitation program, and comply with any other terms of the acreage limitation program established by the Secretary; or

“(C) if a set-aside program is in effect for the crop, comply with the set-aside and other terms of the set-aside program established by the Secretary.

“(3) Whenever the Secretary issues certificates under this subsection for a crop of wheat or feed grains, no person may export wheat or feed grains or products thereof, from the United States during the marketing year for the crop without surrendering to the Secretary, at the time of export, export marketing certificates for such crop representing the quantity of the commodity being exported or, in the case of wheat or feed grain products, the equivalent quantity of the commodity contained in the products being exported. Persons that fail to comply with the requirements of the preceding sentence shall be subject, for each violation thereof, to a fine of not more than \$25,000 or imprisonment for not to exceed 1 year, or both such fine and imprisonment. This paragraph shall not apply to exports of commodities or products owned by the Federal Government or any agency or instrumentality thereof, nor to commodities or products provided to the exporter by the Commodity Credit Corporation under an export development program.

Prohibitions.

“(4) Any person who falsely makes, issues, alters, forges, or counterfeits any export marketing certificate, or with fraudulent intent possesses, transfers, or uses any such falsely made, issued, altered, forged, or counterfeited export marketing certificate, shall be subject to a fine of not more than \$10,000 or imprisonment of not more than 10 years, or both such fine and imprisonment.

“(5) For purposes of facilitating the transfer of export certificates under this subsection, the Commodity Credit Corporation may buy and sell certificates in accordance with regulations prescribed by the Secretary.”.

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

SEC. 1007. Effective only for the marketing years for the 1986 through 1990 crops, section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by—

control of the producers, the total quantity of peanuts, soybeans, sugar beets, or sugarcane that the producers are able to harvest on any farm is less than the result of multiplying 60 percent of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary may make a reduced yield disaster payment to the producers at a rate equal to 50 percent of the loan and purchase level for the crop for the deficiency in production below 60 percent for the crop.

“(3) The Secretary may make such adjustments in the amount of payments made available under this paragraph with respect to an individual farm so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.”.

COST REDUCTION OPTIONS

SEC. 1009. (a) Notwithstanding any other provision of law, whenever the Secretary of Agriculture determines that an action authorized under subsection (c), (d), or (e) will reduce the total of the direct and indirect costs to the Federal Government of a commodity program administered by the Secretary without adversely affecting income to small- and medium-sized producers participating in such program, the Secretary shall take such action with respect to the commodity program involved.

7 USC 1308a.

(b) In the announcement of the specific provisions of any commodity program administered by the Secretary of Agriculture, the Secretary shall include a statement setting forth which, if any, of the actions are to be initially included in the program, and a statement that the Secretary reserves the right to initiate at a later date any action not previously included but authorized by this section, including the right to reopen and change a contract entered into by a producer under the program if the producer voluntarily agrees to the change.

Contract.

(c) When a nonrecourse loan program is in effect for a crop of a commodity, the Secretary may enter the commercial market to purchase such commodity if the Secretary determines that the cost of such purchases plus appropriate carrying charges will probably be less than the comparable cost of later acquiring the commodity through defaults on nonrecourse loans under the program.

Loans.

(d) When the domestic market price of a commodity for which a nonrecourse loan program is in effect is insufficient to cover the principal and accumulated interest on a loan made under such program, thereby encouraging default by a producer, the Secretary may provide for settlement of such loan and redemption by the producer of the commodity securing such loan for less than the total of the principal and all interest accumulated thereon if the Secretary determines that such reduction in the settlement price will yield savings to the Federal Government due to—

Loans.

(1) receipt by the Federal Government of a portion rather than none of the accumulated interest;

(2) avoidance of default; or

(3) elimination of storage, handling, and carrying charges on the forfeited commodity,

Prohibition.

but the Secretary may not reduce the settlement price to less than the principal due on the loan.

Prohibition.
Loans.

(1) in the third sentence, striking out the language following the third colon and inserting in lieu thereof the following: “*Provided*, That, notwithstanding any other provision of law, the Corporation may not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, and rye, respectively, at less than (A) 115 percent of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges, or (B) if the Secretary permits the repayment of loans made for a crop of the commodity at a rate that is less than the loan level determined for such crop, 115 percent of the average loan repayment rate that is determined for such crop during the period of such loans.”;

(2) in the fifth sentence, striking out “current basic county support rate including the value of any applicable price-support payment in kind (or a comparable price if there is no current basic county support rate)” and inserting in lieu thereof the following: “current basic county loan rate (or a comparable price if there is no current basic county loan rate)”; and

Prohibition.

(3) in the seventh sentence, striking out “, but in no event shall the purchase price exceed the then current support price for such commodities” and inserting in lieu thereof: “or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation’s minimum sales price for such commodities for unrestricted use”.

DISASTER PAYMENTS FOR 1985 THROUGH 1990 CROPS OF PEANUTS,
SOYBEANS, SUGAR BEETS, AND SUGARCANE

SEC. 1008. Effective only for the 1985 through 1990 crops of peanuts, soybeans, sugar beets, and sugarcane, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) (as amended by section 901 of this Act) is further amended by adding at the end thereof the following new subsection:

“(k)(1) If the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage on the farm intended for peanuts, soybeans, sugar beets, or sugarcane to peanuts, soybeans, sugar beets, sugarcane, or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary may make a prevented planting disaster payment to the producers in an amount equal to the product obtained by multiplying—

“(A) the number of acres so affected but not to exceed the acreage planted to peanuts, soybeans, sugar beets, or sugarcane for harvest (including any acreage that the producers were prevented from planting to such commodity or to other nonconserving crops in lieu of peanuts, soybeans, sugar beets, or sugarcane because of drought, flood or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, by

“(B) 75 percent of the farm program payment yield established by the Secretary, by

“(C) a payment rate equal to 50 percent of the loan and purchase level for the crop.

“(2) If the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the

Loan.

(e) When a production control or loan program is in effect for a crop of a major agricultural commodity, the Secretary may at any time prior to harvest reopen the program to participating producers for the purpose of accepting bids from producers for the conversion of acreage planted to such crop to diverted acres in return for payment in kind from Commodity Credit Corporation surplus stocks of the commodity to which the acreage was planted, if the Secretary determines that (1) changes in domestic or world supply or demand conditions have substantially changed after announcement of the program for that crop, and (2) without action to further adjust production, the Federal Government and producers will be faced with a burdensome and costly surplus. Such payments in kind shall not be included within the payment limitation of \$50,000 per person established under section 1001 of this Act, but shall be limited to a total \$20,000 per year per producer for any one commodity.

(f) The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary under any other provision of law.

MULTIYEAR SET-ASIDES

Sec. 1010. Notwithstanding any other provision of law:

Contracts.
7 USC 1445i.

(1) The Secretary of Agriculture may enter into multiyear set-aside contracts for a period not to extend beyond the 1990 crops. Such contracts may be entered into only as a part of the programs in effect for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice, and only producers participating in one or more of such programs shall be eligible to contract with the Secretary under this section. Producers agreeing to a multiyear set-aside agreement shall be required to devote the set-aside acreage to vegetative cover capable of maintaining itself through such period to provide soil protection, water quality enhancement, wildlife production, and natural beauty. Grazing of livestock under this section shall be prohibited, except in areas of a major disaster, as determined by the President, if the Secretary finds there is a need for such grazing as a result of such disaster. Producers entering into agreements under this section shall also agree to comply with all applicable State and local laws and regulations governing noxious weed control.

Contract.

(2) The Secretary shall provide cost-sharing incentives to farm operators for the establishment of vegetative cover, whenever a multiyear set-aside contract is entered into under this section.

Regulations.

(3) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

(4) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

SUPPLEMENTAL SET-ASIDE AND ACREAGE LIMITATION AUTHORITY

Sec. 1011. Effective for the 1986 through 1990 crops of wheat and feed grains, section 113 of the Agricultural Act of 1949 (7 U.S.C. 1445h) is amended to read as follows:

“SUPPLEMENTAL SET-ASIDE AND ACREAGE LIMITATION AUTHORITY

“Sec. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, the Secretary may announce and provide for a set-aside or acreage limitation

program under section 105C or 107D for one or more of the 1986 through 1990 crops of wheat and feed grains if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of the Federal Government. To carry out effectively a set-aside or acreage limitation program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such program.”.

Ante, pp. 1395, 1383.

PRODUCER RESERVE PROGRAM FOR WHEAT AND FEED GRAINS

SEC. 1012. (a) Except as provided by subsection (b), effective beginning with the 1986 crops, section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) is amended by—

(1) in the first sentence of subsection (a)—

(A) striking out “and” after “supply” and inserting in lieu thereof a comma; and

(B) inserting before the period at the end thereof the following: “, and provide for adequate, but not excessive, carryover stocks to ensure a reliable supply of the commodities”;

(2) in the third sentence of subsection (b)—

(A) in clause (1), striking out “nor more than five years” and inserting in lieu thereof “, with extensions as warranted by market conditions”;

(B) in clause (4), striking out “before the market price for wheat or feed grains has reached” and inserting in lieu thereof “when the total amount of wheat or feed grains in storage under programs under this section is below the upper limits for such storage as set forth in clauses (A) and (B) of subsection (e)(2) and the market price for wheat or feed grains is below”;

(C) in clause (5), striking out “a specified level, as determined by the Secretary” and inserting in lieu thereof “the higher of 140 percent of the nonrecourse loan rate for the commodity or the established price for such commodity, as determined under title I”;

Loans.

(3) adding at the end of subsection (b) the following:

“Whenever—

“(A)(i) the total quantity of wheat stored under storage programs established under this section is less than 17 percent of the estimated total domestic and export usage of wheat during the then current marketing year for wheat, as determined by the Secretary; or

“(ii) the total quantity of feed grains stored under storage programs established under this section is less than 7 percent of the estimated total domestic and export usage of feed grains during the then current marketing year for feed grains, as determined by the Secretary; and

“(B) the market price of the commodity, as determined by the Secretary, does not exceed 140 percent of the nonrecourse loan rate for the commodity;

Loans.

the Secretary shall encourage participation in the programs authorized under this section by offering producers increased storage payments and loan levels, interest waivers, or such other incentives

as the Secretary determines necessary to maintain the total amount of storage under the programs at the levels specified in clauses (A) and (B). The Secretary shall ensure that producers are afforded a fair and equitable opportunity to participate in each producer storage program, taking into account regional differences in the time of harvest.”; and

(4) in subsection (e)—

(A) inserting “(1)” after the subsection designation;

(B) inserting before the period at the end of the second sentence the following: “, subject to the upper limits on the total quantity of wheat and feed grains that may be stored under storage programs established under this section set out in paragraph (2)”;

(C) striking out the third sentence; and

(D) adding at the end thereof the following new paragraph:

“(2) Prior to the harvest of each crop of wheat and feed grains, the Secretary shall determine and establish upper limits on the total quantity of wheat and feed grains that may be stored under storage programs established under this section to be effective during the marketing year for such crop, as follows:

Prohibition.

“(A) The upper limit on the total quantity of wheat that may be stored under such programs shall not exceed 30 percent of the estimated total domestic and export usage of wheat during the marketing year for the crop of wheat, as determined by the Secretary.

“(B) The upper limit on the total quantity of feed grains that may be stored under such programs shall not exceed 15 percent of the estimated total domestic and export usage of feed grains during the marketing year for the crop, as determined by the Secretary.

“(C) Notwithstanding clauses (A) and (B), the Secretary may establish the upper limits at higher levels—not in excess of 110 percent of the levels determined under clauses (A) and (B)—if the Secretary determines that the higher limits are necessary to achieve the purposes of this section.”.

7 USC 1445e
note.

(b) The amendment made by subsection (a)(2)(B) of this section shall take effect with respect to any loan made under section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) the date for repayment of which occurs after the date of enactment of this Act.

EXTENSION OF THE RESERVE

“SEC. 1013. Section 302(i) of the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1(i)) is amended by striking out “1985” both places it appears and inserting in lieu thereof “1990”.

NORMALLY PLANTED ACREAGE

SEC. 1014. Section 1001 of the Food and Agriculture Act of 1977 (7 U.S.C. 1309) is amended by—

(1) striking out “1985” each place it appears and inserting in lieu thereof “1990”; and

(2) adding at the end thereof the following new subsection:

Loans.

“(c) Notwithstanding any other provision of law, whenever marketing quotas are in effect for any of the 1987 through 1990 crops of wheat, the Secretary of Agriculture may require, as a

condition of eligibility for loans, purchases, and payments on any commodity under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), that the acreage normally planted to crops designated by the Secretary, adjusted as considered necessary by the Secretary to be fair and equitable among producers, shall be reduced by a quantity equal to—

“(1) the acreage that the Secretary determines would normally be planted to wheat on a farm; minus

“(2) the individual farm program acreage for the farm under section 107D(d)(3)(A) of such Act.”.

Ante, p. 1383.

SPECIAL GRAZING AND HAY PROGRAM

SEC. 1015. (a) Section 109 of the Agricultural Act of 1949 (7 U.S.C. 1445d) is amended by striking out “1985” in the first sentence of subsection (a) and inserting in lieu thereof “1990”.

ADVANCE ANNOUNCEMENT OF PROGRAMS

SEC. 1016. Section 406 of the Agricultural Act of 1949 (7 U.S.C. 1426) is amended by

(1) inserting “(a)” after the section designation; and

(2) adding at the end thereof the following new subsection:

“(b)(1) Notwithstanding any other provision of this Act, the Secretary of Agriculture may offer an option to producers of the 1987 through 1991 crops of wheat, feed grains, upland cotton and rice with respect to participation in commodity price support, production adjustment, and payment programs as provided in this subsection.

“(2) With respect to the 1987 through 1991 crops of wheat, feed grains, upland cotton, and rice, in any county in the United States, if the Secretary has not made final announcement of the terms of the commodity price support production adjustment, and payment program for wheat, feed grains, upland cotton, or rice on or before the later of—

“(A) 60 days prior to the normal planting date of such commodity in such county, as determined by the Secretary; or

“(B)(1) in the case of wheat, June 1 of the calendar year prior to the crop year for which such program is announced;

“(ii) in the case of feed grains, September 30 of the calendar year prior to the crop year for which such program is announced;

“(iii) in the case of upland cotton, November 1 of the calendar year prior to the crop year for which such program is announced; and

“(iv) in the case of rice, January 31 of the calendar year that is the same as the crop year for which such program is announced,

than the Secretary may permit producers of any such commodity in such county to elect to receive price support, payments, or other program benefits as provided in (I) the program announced for such commodity for the current crop year or (II) paragraph (3).

“(3)(A)(i) The Secretary may permit producer eligible to make the election provided by this subsection to participate in the program described in this paragraph or, at the discretion of the Secretary, the program announced for the commodity for the current crop year, by complying with the terms of the program announced for the preceding crop of the commodity.

Loans.

“(B)(i) Except as provided in clause (ii), the Secretary may make available to producers of a commodity who exercise the election provided by this subsection and who comply fully with the terms and conditions of any acreage reduction program established for the preceding year’s crop of the commodity—

“(I) loans and purchases at the level established for the crop for which the election is made;

“(II) deficiency payments calculated on the same basis as the deficiency payments which were calculated for the crop immediately preceding the crop with respect to which the election is made; and

“(III) payments equal to the difference between the level of loans and purchases for the crop with respect to which the election is made and the level of loans and purchases for the crop immediately preceding the crop with respect to which the election is made.

Payments authorized by subclause (III) of the preceding sentence shall be made in the form of cash or in-kind commodities.

“(ii) In the case of the 1991 crop, the Secretary shall make available to producers of a commodity who exercise the election provided by this section and who comply fully with the terms and conditions of any acreage reduction program established for the 1990 crop of the commodity—

Prohibition.

“(I) loans and purchases at the level established for the 1991 crop under legislation enacted subsequent to the date of the enactment of the Food Security Act of 1985, except that if legislation is enacted subsequent to the enactment of such Act which provides that loans and purchases shall not be made with respect to the 1991 crop of a commodity, the Secretary may make available to producers of such commodity eligible for the election provided by this subsection loans and purchases at the level determined for the 1990 crop, or if legislation is not enacted subsequent to the enactment of such Act which provides that loans and purchases shall be made with respect to the 1991 crop of any such commodity, and if loans and purchases are available to producers of such commodity under laws previously enacted, none of the provisions of this section shall apply to the 1991 crop;

“(II) deficiency payments calculated on the basis of the established price for the commodity determined for the 1990 crop; and

“(III) payments equal to the difference between the level of loans and purchases that the producer is eligible to receive under subclause (I) for such commodity for the 1991 crop and the level of loans and purchases determined for such commodity for the 1990 crop.

Payments authorized by subclause (III) of the preceding sentence shall be made in cash or in the form of in-kind commodities.

“(C) The Secretary shall consider the crop acreage base and farm program payment yield for any farm with respect to which a producer exercises the election provided by this section to be equal to the crop acreage base and farm program payment yield that was established, or would have been established, for such farm for the year preceding the year for which the election is made.”.

DETERMINATIONS OF THE SECRETARY

SEC. 1017. (a) The first sentence of section 385 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1385) is amended by inserting "extra long staple cotton," after "upland cotton,".

7 USC 1385 note.

(b) The Secretary of Agriculture shall determine the rate of loans, payments, and purchases under a program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for any of the 1986 through 1990 crops of a commodity without regard to the requirements for notice and public participation in rulemaking prescribed in section 553 of title 5, United States Code, or in any directive of the Secretary.

Loans.

APPLICATION OF TERMS IN THE AGRICULTURAL ACT OF 1949

SEC. 1018. Effective only for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice, subsection (k) of section 408 of the Agricultural Act of 1949 (7 U.S.C. 1428(k)) is amended to read as follows:

"(k)(1) Reference made in sections 402, 403, 406, 407, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the loan and purchase level for wheat, feed grains, upland cotton, and rice under this Act.

Loans.
7 USC 1422,
1423, 1426, 1427,
1431.

"(2) References made to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to loan and purchase operations for wheat, feed grains, upland cotton, and rice under this Act."

Loans.

7 USC 1421.

NORMAL SUPPLY

SEC. 1019. Notwithstanding any other provision of law, if the Secretary of Agriculture determines that the supply of wheat, corn, upland cotton, or rice for the marketing year for any of the 1986 through 1990 crops of such commodity is not likely to be excessive and that program measures to reduce or control the planted acreage of the crop are not necessary, such a decision shall constitute a determination that the total supply of the commodity does not exceed the normal supply and no determination to the contrary shall be made by the Secretary with respect to such commodity for such marketing year.

7 USC 1310a.

MARKETING YEAR FOR CORN

SEC. 1020. Section 301(b)(7) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)(7)) is amended by striking out "Corn, October 1-September 30;" and inserting in lieu thereof "Corn, September 1-August 31;".

FEDERAL CROP INSURANCE CORPORATION EMERGENCY FUNDING
AUTHORITY

SEC. 1021. Section 516(c)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(c)(1)) is amended by striking out the last sentence.

CROP INSURANCE STUDY

SEC. 1022. (a) The Secretary of Agriculture shall conduct a study—

(1) of the practice of offsetting the quantity of winter and spring wheat of a producer for the purpose of determining the amount of benefits due such producer under a policy insured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(2) of the feasibility and desirability of including winterkill of winter wheat as a loss covered by crop insurance under such Act.

Report.
Regulations.

(b) Not later than 180 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the results of the study conducted under subsection (a), together with any recommendations for any legislation or regulations necessary to rectify any inequities identified in such study.

NATIONAL AGRICULTURAL COST OF PRODUCTION STANDARDS REVIEW BOARD

SEC. 1023. (a) Subsection (c) of section 1006 of the Agriculture and Food Act of 1981 (7 U.S.C. 4102(c)) is amended to read as follows: “(c) A person may serve as a member of the Board for one or more terms.”.

(b) Section 1014 of such Act (7 U.S.C. 4110) is amended by striking out “1985” and inserting in lieu thereof “1990”.

LIQUID FUELS

SEC. 1024. Section 423(a) of the Agricultural Act of 1949 (7 U.S.C. 1433b) is amended by striking out all after “the Commodity Credit Corporation” and inserting in lieu thereof the following: “the Corporation may, under terms and conditions established by the Secretary, make its accumulated stocks of agricultural commodities available, at no cost or reduced cost, to encourage the purchase of such commodities for the production of liquid fuels and agricultural commodity byproducts. In carrying out the program established by this section, the Secretary shall ensure, insofar as possible, that any use of agricultural commodities made available be made in such manner as to encourage increased use and avoid displacing usual marketings of agricultural commodities.”.

SUBTITLE B—UNIFORM BASE ACREAGE AND YIELD PROVISIONS

ACREAGE BASE AND PROGRAM YIELD SYSTEM FOR THE WHEAT, FEED GRAIN, UPLAND COTTON, AND RICE PROGRAMS

SEC. 1031. Effective for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by inserting after title IV the following new title:

“TITLE V—ACREAGE BASE AND PROGRAM YIELD SYSTEM FOR THE WHEAT, FEED GRAIN, UPLAND COTTON, AND RICE PROGRAMS

7 USC 1461.

“SEC. 501. The purpose of this title is to prescribe a system for establishing farm and crop acreage bases and program yields for the

wheat, feed grain, upland cotton, and rice programs under this Act that is efficient, equitable, flexible, and predictable.

“SEC. 502. For purposes of this title—

7 USC 1462.

“(1) the term ‘program crop’ means any crop of wheat, feed grains, upland cotton, or rice; and

“(2) the term ‘county committee’ means the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for the county in which the farm is administratively located.

“SEC. 503. (a)(1) Except as provided in paragraph (2), the Secretary shall provide for the establishment and maintenance of farm acreage bases for the 1986 and subsequent crop years.

7 USC 1463.

“(2) With respect to the 1986 crop year, the Secretary may forgo the establishment of farm acreage bases under this title.

“(b)(1) The county committee, in accordance with regulations prescribed by the Secretary, shall determine the farm acreage base for a farm for a crop year. Such farm acreage base shall include the number of acres equal to the sum of the crop acreage bases for the farm.

Regulations.

“(2) In the case of farm acreage bases established for the 1987 and subsequent crop years, the determination of the farm acreage base shall also include (in addition to the crop acreage bases for the farm) the sum of (A) the average of the acreage on the farm planted to soybeans in the 1986 and subsequent crop years, and (B) the average of the acreage on the farm devoted by the producer to a conserving use in the normal course of farming operations in the 1986 and subsequent crop years.

“SEC. 504. (a)(1) The Secretary shall provide for the establishment and maintenance of crop acreage bases for each program crop, including any program crop produced under an established practice of double cropping. The sum of the crop acreage bases for all program crops produced on any farm for any crop year shall not exceed the farm acreage base for such farm for such crop year, except to the extent that the excess is due to an established practice of double cropping.

Prohibition.
7 USC 1464.

“(2) The term ‘double cropping’ means a farming practice, as defined by the Secretary, which has been carried out on a farm in at least 3 of the 5 crop years immediately preceding the crop year for which the crop acreage base for the farm is established.

“(b)(1)(A) Except as provided in subparagraph (B), the crop acreage base for a program crop for any farm for the 1986 and subsequent crop years shall be the number of acres that is equal to the average of the acreage planted and considered planted to such program crop for harvest on the farm in each of the five crop years preceding such crop year.

“(B)(i) In the case of upland cotton and rice, except as provided in clause (ii), if no planted and considered planted acreage has been established for a farm for each of the five crop years preceding such crop year, the crop acreage base for such crop shall be equal to the average of the acreage planted and considered planted to such crop for harvest on the farm in each of the five crop years preceding such crop year, excluding all crop years in which planted and considered planted acreage was not established for the farm.

“(ii) Any crop acreage base established in accordance with paragraph (1)(A) and paragraph (1)(B)(i) shall not exceed a number of acres equal to the average of the acreage planted and considered

Prohibition.

planted to such crop for harvest on the farm in each of the two crop years preceding such crop year.

"(2) The acreage considered planted to a program crop shall include—

"(A) any reduced acreage, set-aside acreage, and diverted acreage on the farm;

"(B) any acreage on the farm that producers were prevented from planting to such crop because of drought, flood, or other natural disaster, or other condition beyond the control of the producers;

"(C) acreage in an amount equal to the difference between the permitted acreage for a program crop and the acreage planted to the crop, if the acreage considered to be planted is planted to a nonprogram crop, other than soybeans and extra long staple cotton; and

"(D) any acreage on the farm which the Secretary determines is necessary to be included in establishing a fair and equitable crop acreage base.

Regulations.

"(3) For the purpose of determining the crop acreage base for the 1986 and subsequent crop years for any farm, the county committee, in accordance with regulations prescribed by the Secretary, may construct a planting history for such crop if—

"(A) planting records for such crop for any of the five crop years preceding such crop year are incomplete or unavailable; or

"(B) during at least one but not more than four of the five crop years preceding such crop year, the program crop was not produced on the farm.

"(c) The Secretary may make adjustments to reflect crop rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable crop acreage base.

"(d) If a county committee determines, in accordance with regulations prescribed by the Secretary, that the occurrence of a natural disaster or other similar condition beyond the control of the producer prevented the planting of a program crop on any farm within the county (or substantially destroyed any such program crop after it had been planted but before it had been harvested), the producer may plant any other crop, including any other program crop, on the acreage of such farm that, but for the occurrence of such disaster or other condition, would have been devoted to the production of a program crop. For purposes of determining the farm acreage base or the crop acreage base, any acreage on the farm on which a substitute crop, including any program crop, is planted under this subsection shall be taken into account as if such acreage had been planted to the program crop for which the other crop was substituted.

Prohibition.
7 USC 1465.

"Sec. 505. (a) The Secretary may provide for an upward adjustment of any crop acreage base for any farm for any crop year. Except as provided in subsection (b), such adjustment may not exceed the number of acres that is equal to 10 percent of the farm acreage base for such farm for such crop year. Any upward adjustment in a crop acreage base must be offset by an equivalent downward adjustment in one or more other crop acreage bases established for the farm for such crop year.

"(b) The Secretary may suspend, on a nationwide basis, any limitation contained in subsection (a) with respect to the crop

crease base for any program crop if the Secretary determines that—

“(1) a short supply or other similar emergency situation exists with respect to the program crop; or

“(2) market factors exist that require the suspension of the limitation to achieve the purposes of the program.

“SEC. 506. (a) The Secretary shall provide for the establishment of farm program payment yield for each farm for each program crop or each crop year. 7 USC 1466.

“(b)(1) Except as provided in paragraph (2), the farm program payment yield for each of the 1986 and 1987 crop years shall be the average of the farm program payment yields for the farm for the 1981 through 1985 crop years, excluding the year in which such yield was the highest and the year in which such yield was the lowest.

“(2) If no crop of the commodity was produced on the farm or no farm program payment yield was established for the farm for any of the 1981 through 1985 crop years, the farm program payment yield shall be established on the basis of the average farm program payment yield for such crop years for similar farms in the area.

“(3) If the Secretary determines such action is necessary, the Secretary may establish national, State, or county program payment yields on the basis of—

“(A) historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period; or

“(B) the Secretary's estimate of actual yields for the crop year involved if historical yield data is not available.

“(4) If national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

“(c)(1) With respect to the 1988 and subsequent crop years, the Secretary may (A) establish the farm program payment yield as provided in subsection (b), or (B) establish a farm program payment yield for any program crop for any farm on the basis of the average of the yield per harvested acre for the crop for such farm for each of the five crop years immediately preceding such crop year, excluding the crop year with the highest yield per harvested acre, the crop year with the lowest yield per harvested acre, and any crop year in which such crop was not planted on the farm. For purposes of the preceding sentence, the farm program payment yield for the 1983 through 1986 crop years and the actual yield per harvested acre with respect to the 1987 and subsequent crop years shall be used in determining farm program payment yields.

“(2) The county committee, in accordance with regulations prescribed by the Secretary, may adjust any program yield for any program crop for any farm if the program yield for the crop on the farm does not accurately reflect the productive potential of the farm because of the occurrence of a natural disaster or other similar condition beyond the control of the producer. Regulations.

“(d) In the case of any farm for which the actual yield per harvested acre for any program crop referred to in subsection (c)(1) for any crop year is not available, the county committee may assign the farm a yield for the crop for such crop year on the basis of actual yields for the crop for such crop year on similar farms in the area.

“SEC. 507. Effective for each of the 1986 and subsequent crop years, each county committee, in accordance with regulations pre- Regulations. 7 USC 1467.

scribed by the Secretary, may require any producer who seeks to establish a farm acreage base, crop acreage base, or farm program payment yield for a farm for a crop year to provide planting and production history of such farm for each of the five crop years immediately preceding such crop year.

Regulations.
7 USC 1468.

"SEC. 508. Each county committees may, in accordance with regulations prescribed by the Secretary, provide for the establishment of a farm acreage base, crop acreage base, and farm program payment yield with respect to any farm administratively located within the county if such farm acreage base, crop acreage base, or farm program payment yield cannot otherwise be established under this title. Such bases and farm program payment yields shall be established in a fair and equitable manner, but no such bases or farm program payment yields shall be established for a farm if the producer on such farm is subject to sanctions under any provision of Federal law for cultivating highly erodible land or converted wetland.

7 USC 1469.

"SEC. 509. The Secretary shall establish an administrative appeal procedure which provides for an administrative review of determinations made with respect to farm acreage bases, crop acreage bases, and farm program payment yields."

Subtitle C—Honey

HONEY PRICE SUPPORT

Loans.

SEC. 1041. Effective only for the 1986 through 1990 crops of honey, subsection (b) of section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended to read as follows:

"(b)(1) For each of the 1986 through 1990 crops of honey, the price of honey shall be supported through loans, purchases, or other operations as follows:

"(A) For the 1986 crop, the loan and purchase level for honey shall be 64 cents per pound.

"(B) For the 1987 crop, the loan and purchase level for honey shall be 63 cents per pound.

"(C) For each of the 1988, 1989, and 1990 crops, the loan and purchase level for honey shall be the same as the level established for the preceding crop year reduced by 5 percent, except that such level may not be less than an amount equal to 75 percent of the simple average price received by producers of honey in the 5 preceding crop years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.

"(2) The Secretary may permit a producer to repay a loan made to the producer under this subsection for a crop at a level that is the lesser of—

"(A) the loan level determined for such crop; or

"(B) such level as the Secretary determines will—

"(i) minimize the number of loan forfeitures;

"(ii) not result in excessive total stocks of honey;

"(iii) reduce the costs incurred by the Federal Government in storing honey; and

"(iv) maintain the competitiveness of honey in domestic and export markets.

"(3)(A) If the Secretary determines that a person has knowingly pledged adulterated or imported honey as collateral to secure a loan

made under this subsection, such person shall, in addition to any other penalties or sanctions prescribed by law, be ineligible for a loan, purchase, or payment under this subsection for the 3 crop years succeeding such determination.

“(B) For purposes of subparagraph (A), honey shall be considered adulterated if—

“(i) any substance has been substituted wholly or in part for such honey;

“(ii) such honey contains a poisonous or deleterious substance that may render such honey injurious to health, except that in any case in which such substance is not added to such honey, such honey shall not be considered adulterated if the quantity of such substance in or on such honey does not ordinarily render it injurious to health; or

“(iii) such honey is for any other reason unsound, unhealthy, unwholesome, or otherwise unfit for human consumption.”.

TITLE XI—TRADE

Subtitle A—Public Law 480 and Use of Surplus Commodities in International Programs

TITLE II OF PUBLIC LAW 480—FUNDING LEVELS

SEC. 1101. Effective October 1, 1985, section 204 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724) is amended by—

Effective date.

(1) striking out “calendar” both places it appears in the first sentence and inserting in lieu thereof “fiscal”; and

(2) inserting after the first sentence the following: “The President may waive the limitation in the preceding sentence if the President determines that such waiver is necessary to undertake programs of assistance to meet urgent humanitarian needs.”.

MINIMUM QUANTITY OF AGRICULTURAL COMMODITIES DISTRIBUTED UNDER TITLE II

SEC. 1102. Section 201(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721(b)) is amended to read as follows:

“(b) The minimum quantity of agricultural commodities distributed under this title for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, shall be 1,900,000 metric tons, of which not less than 1,425,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies, cooperatives, and the World Food Program; unless the President determines and reports to the Congress, together with his reasons, that such quantity cannot be used effectively to carry out the purposes of this title.”.

TITLE II OF PUBLIC LAW 480—MINIMUM FOR FORTIFIED OR PROCESSED FOOD AND NONPROFIT AGENCY PROPOSALS

SEC. 1103. Section 201 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721) is amended by adding at the end thereof the following new subsection:

President of U.S.

“(c)(1) Except as provided in paragraph (2), in distributing agricultural commodities under this title, the President shall—

“(A) consider—

“(i) the nutritional assistance to recipients and benefits to the United States that would result from distributing such commodities in the form of processed and protein-fortified products, including processed milk, plant protein products, and fruit, nut, and vegetable products;

“(ii) the nutritional needs of the proposed recipients of the commodities;

“(iii) the cost effectiveness of providing such commodities, for purposes of selecting commodities for distribution under nonemergency programs; and

“(iv) the purposes of this title; and

“(B) ensure that at least 75 percent of the quantity of agricultural commodities required to be distributed each fiscal year under subsection (b) for nonemergency programs be in the form of processed or fortified products or bagged commodities.

“(2) The President may waive the requirement under paragraph (1)(B) or make available a smaller percentage of fortified or processed food than required under paragraph (1)(B) during any fiscal year in which the President determines that the requirements of the programs established under this title will not be best served by the distribution of fortified or processed food in the amounts required under paragraph (1)(B).”.

FOOD ASSISTANCE PROGRAMS OF VOLUNTARY AGENCIES

SEC. 1104. (a) Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end thereof the following:

7 USC 1726a.

“SEC. 207. (a) A nonprofit voluntary agency requesting a nonemergency food assistance agreement under this title shall include in such request a description of the intended uses of any foreign currency proceeds that would be generated with the commodities provided under the agreement.

“(b) Such agreements shall provide, in the aggregate for each fiscal year, for the use of foreign currency proceeds under this subsection in an amount that is not less than 5 percent of the aggregate value of the commodities distributed under nonemergency programs under this title for such fiscal year.”.

7 USC 1726a note.

(b) Section 207 of the Agricultural Trade Development and Assistance Act of 1954 (as added by subsection (a)) shall apply with respect to agreements entered into after December 31, 1985.

EXTENSION OF THE PUBLIC LAW 480 AUTHORITIES

SEC. 1105. Section 409 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736c) is amended by—

(1) striking out “1985” in the first sentence and inserting in lieu thereof “1990”; and

(2) in the second sentence—

(A) striking out “amendment” and inserting in lieu thereof “amendments”; and

(B) inserting “and the Food Security Act of 1985” after “Agriculture and Food Act of 1981”.

FACILITATION OF EXPORTS

SEC. 1106. It is the sense of Congress that the President should work with the People's Republic of China to facilitate the export of agricultural commodities to the People's Republic of China. China.

FARMER-TO-FARMER PROGRAM UNDER PUBLIC LAW 480

SEC. 1107. (a) Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for each of the fiscal years ending September 30, 1986, and September 30, 1987, to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of section 406(a) shall not constitute more than one-fourth of the funds used as provided by the first sentence of this subsection, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of section 406(a), and shall be administered whenever possible in conjunction with programs under sections 296 through 300 of the Foreign Assistance Act of 1961. Prohibition.
7 USC 1736 note.

(b) Not later than 120 days after the date of enactment of this Act, the Administrator of the Agency for International Development, in conjunction with the Secretary of Agriculture, shall submit to Congress a report indicating the manner in which the Agency intends to implement the provisions of paragraphs (1) and (2) of section 406(a) of the Agricultural Trade Development and Assistance Act of 1954 with the funds made available under subsection (a). 7 USC 1691 note.
7 USC 1736.
2 USC
2220a-2220e.
Report.

FOOD FOR DEVELOPMENT PROGRAM

SEC. 1108. Section 302(c)(1)(C) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727a(c)(1)(C)) is amended by striking out "15" and inserting in lieu thereof "10".

USE OF SURPLUS COMMODITIES IN INTERNATIONAL PROGRAMS

SEC. 1109. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by—

- (1) striking out the last two sentences of subsection (a); and
- (2) amending subsection (b) to read as follows:

"(b)(1) The Secretary, subject to the requirements of paragraph (10), may furnish eligible commodities for carrying out programs of assistance in developing countries and friendly countries under title II of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, as approved by the Secretary, and for such purposes as are approved by the Secretary. To ensure that the furnishing of commodities under this subsection is coordinated with and complements other United States foreign assistance, assistance under this subsection shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954. Ante, p. 271.

"(2) As used in this subsection, the term 'eligible commodities' means—

"(A) dairy products, grains, and oilseeds acquired by the Commodity Credit Corporation through price support operations that the Secretary determines meet the criteria specified in subsection (a); and Ante, p. 1466.
Post, p. 1472.

7 USC 1691 note.

“(B) such other edible agricultural commodities as may be acquired by the Secretary or the Commodity Credit Corporation in the normal course of operations and that are available for disposition under this subsection, except that no such commodities may be acquired for the purpose of their use under this subsection.

“(3)(A) Commodities may not be made available for disposition under this subsection in amounts that (i) will, in any way, reduce the amounts of commodities that traditionally are made available through donations to domestic feeding programs or agencies, or (ii) will prevent the Secretary from fulfilling any agreement entered into by the Secretary under a payment-in-kind program under this Act or other Acts administered by the Secretary.

7 USC 1731.

“(B)(i) The requirements of section 401(b) of the Agricultural Trade Development and Assistance Act of 1954 shall apply with respect to commodities furnished under this subsection. Commodities may not be furnished for disposition to any country under this subsection except on determinations by the Secretary that—

“(I) the receiving country has the absorptive capacity to use the commodities efficiently and effectively; and

Commerce and trade.

“(II) such disposition of the commodities will not interfere with usual marketings of the United States, nor disrupt world prices of agricultural commodities and normal patterns of commercial trade with developing countries.

“(ii) The requirement for safeguarding usual marketings of the United States shall not be used to prevent the furnishing under this subsection of any eligible commodity for use in countries that—

“(I) have not traditionally purchased the commodity from the United States; or

“(II) do not have adequate financial resources to acquire the commodity from the United States through commercial sources or through concessional sales arrangements.

“(C) The Secretary shall take reasonable precautions to ensure that—

“(i) commodities furnished under this subsection will not displace or interfere with sales that otherwise might be made; and

Commerce and trade.

“(ii) sales or barter under paragraph (7) will not unduly disrupt world prices of agricultural commodities nor normal patterns of commercial trade with friendly countries.

“(4) Agreements may be entered into under this subsection to provide eligible commodities in installments over an extended period of time.

7 USC 1723.

“(5)(A) Section 203 of the Agricultural Trade Development and Assistance Act of 1954 shall apply to the commodities furnished under this subsection.

“(B) The Commodity Credit Corporation may pay the processing and domestic handling costs incurred, as authorized under this subsection, in the form of eligible commodities, as defined in paragraph (2)(A), if the Secretary determines that such in-kind payment will not disrupt domestic markets.

Prohibition.

“(6) The cost of commodities furnished under this subsection, and expenses incurred under section 203 of the Agricultural Trade Development and Assistance Act of 1954 in connection with those commodities, shall be in addition to the level of assistance programmed under that Act and shall not be considered expenditures for international affairs and finance.

“(7) Eligible commodities, and products thereof, furnished under this subsection may be sold or bartered only with the approval of the Secretary and solely as follows:

“(A) Sales and barter that are incidental to the donation of the commodities or products.

“(B) Sales and barter to finance the distribution, handling, and processing costs of the donated commodities or products in the importing country or in a country through which such commodities or products must be transshipped, or other activities in the importing country that are consistent with providing food assistance to needy people.

“(C) Sales and barter of commodities and products furnished to intergovernmental agencies or organizations, insofar as they are consistent with normal programming procedures in the distribution of commodities by those agencies or organizations.

“(D)(i) Sales of commodities and products furnished to non-profit and voluntary agencies, or cooperatives, for food assistance under agreements that provide for the use, by the agency or cooperative, of foreign currency proceeds generated from such sale of commodities or products for the purposes established in clause (ii) of this subparagraph.

“(ii) Foreign currency proceeds generated from the sales of commodities and products under this subparagraph shall be used by nonprofit and voluntary agencies, or cooperatives, for activities carried out by the agency or cooperative that will enhance the effectiveness of transportation, distribution, and use of commodities and products donated under this subsection, including food for work programs and cooperative and agricultural projects.

Transportation.

“(iii) Except as otherwise provided in clause (v), such agreements, taken together for each fiscal year, shall provide for sales of commodities and products for foreign currency proceeds in amounts that are, in the aggregate, not less than 5 percent of the aggregate value of all commodities and products furnished for carrying out programs of assistance under this subsection in such fiscal year. The minimum allocation requirements of this clause apply with respect to commodities and products made available under this subsection for carrying out programs of assistance under title II of the Agricultural Trade Development and Assistance Act of 1954, and not with respect to commodities and products made available to carry out the Food for Progress Act of 1985.

Ante, p. 1466.

“(iv) Foreign currency proceeds generated from the sale of commodities or products under this subparagraph shall be expended within the country of origin within one year of acquisition of such currency, except that the Secretary may permit the use of such proceeds (I) in countries other than the country of origin as necessary to expedite the transportation of commodities and products furnished under this subsection, and (II) after one year of acquisition as appropriate to achieve the purposes of clause (i).

Post, p. 1472.

Transportation.

“(v) The provisions of clause (iii) of this subparagraph establishing minimum annual allocations for sales and use of proceeds shall not apply to the extent that there have not been sufficient requests for such sales and use of proceeds nor to the extent required under paragraph (3).

Prohibition.

“(E) Sales and barter to cover expenses incurred under paragraph (5)(a).

Prohibition.

No portion of the proceeds or services realized from sales or barter under this paragraph may be used to meet operating and overhead expenses, except as otherwise provided in subparagraph (C) and except for personnel and administrative costs incurred by local cooperatives.

“(8)(A) To the maximum extent practicable, expedited procedures shall be used in the implementation of this subsection.

Regulations.

“(B) The Secretary shall be responsible for regulations governing sales and barter, and the use of foreign currency proceeds, under paragraph (7) of this subsection that will provide reasonable safeguards to prevent the occurrence of abuses in the conduct of activities provided for in paragraph (7).

Regulations.
Reports.

“(9)(A) Each recipient of commodities and products approved for sale or barter under paragraph (7) shall report to the Secretary information with respect to the items required to be included in the Secretary's report pursuant to clauses (i) through (iv) of subparagraph (B). Reports pursuant to this subparagraph shall be submitted in accordance with regulations of the Secretary. Such regulations shall require at least one report annually, to be submitted not later than December 31 following the end of the fiscal year in which the commodities and products are received; except that a report shall not be required with respect to fiscal year 1985.

“(B) Not later than February 15, 1987, and annually thereafter, the Secretary shall report to the Congress on sales and barter, and use of foreign currency proceeds, under paragraph (7) during the preceding fiscal year. Such report shall include information on—

“(i) the quantity of commodities furnished for such sale or barter;

“(ii) the amount of funds (including dollar equivalents for foreign currencies) and value of services generated from such sales and barter in such fiscal year;

“(iii) how such funds and services were used;

“(iv) the amount of foreign currency proceeds that were used under agreements under subparagraph (D) of paragraph (7) in such fiscal year, and the percentage of the quantity of all commodities and products furnished under this subsection in such fiscal year such use represented;

“(v) the Secretary's best estimate of the amount of foreign currency proceeds that will be used, under agreements under subparagraph (D) of paragraph (7), in the then current fiscal year and the next following fiscal year (if all requests for such use are agreed to), and the percentage that such estimated use represents of the quantity of all commodities and products that the Secretary estimates will be furnished under this subsection in each such fiscal year;

“(vi) the effectiveness of such sales, barter, and use during such fiscal year in facilitating the distribution of commodities and products under this subsection;

“(vii) the extent to which sales, barter, or uses—

“(I) displace or interfere with commercial sales of United States agricultural commodities and products that otherwise would be made,

“(II) affect usual marketings of the United States,

“(III) disrupt world prices of agricultural commodities or normal patterns of trade with friendly countries, or

Commerce and
trade.

“(IV) discourage local production and marketing of agricultural commodities in the countries in which commodities and products are distributed under this subsection; and

“(viii) the Secretary's recommendations, if any, for changes to improve the conduct of sales, barter, or use activities under paragraph (7).

“(10)(A) Subject to the limitations established under paragraph (3), the Secretary shall make available for disposition under this subsection in each of the fiscal years 1986 through 1990 not less than the minimum quantities of eligible commodities specified in subparagraph (B).

“(B) The minimum quantity of eligible commodities that shall be made available for disposition under this subsection in each fiscal year shall be—

“(i) 500,000 metric tons of grains and oilseeds from the Corporation's uncommitted stocks, or an amount equal to 10 percent of the Corporation's uncommitted stocks of grains and oilseeds as of the end of such fiscal year (as estimated by the Secretary), whichever is less; and

“(ii) 10 percent of the Corporation's uncommitted stocks of dairy products, but not less than 150,000 metric tons of such products to the extent that uncommitted stocks are available.

The Secretary shall make such estimation of expected year-end levels of the Corporation's uncommitted stocks prior to the beginning of the fiscal year. The Secretary's determination as to the amount of the Corporation's stocks that shall be made available for disposition under this subsection for such fiscal year shall be published in the Federal Register, along with a breakdown by kind of commodity and the quantity of each kind of commodity that shall be made available, before the beginning of such fiscal year.

“(C) Of the aggregate amounts made available each fiscal year pursuant to both clauses (i) and (ii) of subparagraph (B), not less than 75,000 metric tons shall be made available to carry out the Food for Progress Act of 1985.

“(D)(i) The Secretary—

“(I) may waive the minimum quantity requirements of subparagraphs (A) and (B) for a fiscal year to the extent that the Secretary determines and reports to Congress that there are not sufficient requests for eligible commodities under this subsection for such fiscal year, except that the waiver authority of this subclause may not be used to waive the minimum quantity requirement of subparagraph (C);

“(II) may waive the minimum quantity requirement of subparagraph (C) in accordance with subsection (f)(2) of the Food for Progress Act of 1985; and

“(III) may waive the minimum quantity requirements of subparagraphs (A), (B), and (C) for a fiscal year, if the Secretary determines that the restrictions on the furnishing of commodities under paragraph (3) prevent the making available of commodities in such quantities.

“(ii) For any fiscal year in which the minimum levels of uncommitted Commodity Credit Corporation stocks specified in subparagraph (B) are not made available and during which any requests for commodities under this subsection are rejected, the Secretary shall provide a detailed, written explanation to Congress, at the end of such fiscal year, of the reasons for the rejections of such requests.

Securities.

Federal
Register,
publication.

Post, p. 1472.

Securities.

7 USC 1701. “(11)(A) The Secretary may furnish eligible commodities under this subsection in connection with (i) concessional sales agreements entered into under title I of the Agricultural Trade Development and Assistance Act of 1954 or other statutes, or (ii) agricultural export bonus or promotion programs carried out under the Commodity Credit Corporation Charter Act or other statutes.

15 USC 714 note. “(B) Eligible commodities may be furnished by the Secretary under this subsection in connection with agreements by recipient countries to acquire additional agricultural commodities from the United States through commercial arrangements.

Prohibition. “(C) The amount of any commodity furnished under subparagraphs (A) and (B) of this paragraph in any fiscal year shall not be considered for the purpose of determining whether the requirements of paragraph (10)(A) of this subsection have been met during such fiscal year.”

FOOD FOR PROGRESS

Food for
Progress Act of
1985.
7 USC 1736o.
Contracts.

SEC. 1110. (a) This section may be cited as the “Food for Progress Act of 1985”.

(b) In order to use the food resources of the United States more effectively in support of countries that have made commitments to introduce or expand free enterprise elements in their agricultural economies through changes in commodity pricing, marketing, input availability, distribution, and private sector involvement, the President is authorized to enter into agreements with developing countries to furnish commodities made available pursuant to subsections (e) and (f) of this section. Such agreements may provide for commodities to be furnished on a multiyear basis.

(c) As used in this section, the term “commodities” means agricultural commodities and the products thereof.

(d) In determining whether to enter into an agreement with countries under this section, the President shall consider whether a potential recipient country is committed to carry out, or is carrying out, policies that promote economic freedom, private, domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of such commodities. Such policies may provide for, among other things—

(1) access, on the part of farmers in the country, to private, competitive markets for their product;

(2) market pricing of commodities to foster adequate private sector incentives to individual farmers to produce food on a regular basis for the country's domestic needs;

(3) establishment of market-determined foreign exchange rates;

(4) timely availability of production inputs (such as seed, fertilizer, or pesticides) to farmers;

(5) access to technologies appropriate to the level of agricultural development in the country; and

(6) construction of facilities and distribution systems necessary to handle perishable products.

(e)(1) The Commodity Credit Corporation shall make available to the President such commodities determined to be available under section 401 of the Agricultural Trade Development and Assistance Act of 1954 as the President may request for purposes of furnishing commodities under this section.

7 USC 1731.

(2) Notwithstanding any other provision of law, the Commodity Credit Corporation may use funds appropriated to carry out title I of the Agricultural Trade Development and Assistance Act of 1954 in carrying out this section with respect to commodities made available under that Act. 7 USC 1701.

(3) The Commodity Credit Corporation may finance the sale and exportation of commodities, made available under the Agricultural Trade Development and Assistance Act of 1954, which are furnished to a developing country under this section. Payment by a developing country for commodities made available under that Act which are purchased on credit terms under this section shall be on the same basis as the terms provided in section 106 of that Act. 7 USC 1691 note.
7 USC 1706.

(4) In the case of commodities made available under the Agricultural Trade Development and Assistance Act of 1954 for purposes of this section, section 203 of that Act shall apply to commodities furnished on a grant basis to a developing country under this section and section 401(b) of that Act shall apply to all commodities furnished to a developing country under this section. 7 USC 1723.
7 USC 1731.

(f)(1) Commodities made available under section 416(b) of the Agricultural Act of 1949 for use in carrying out this section shall be provided to developing countries on a grant basis. Ante, p. 271.

(2) Not less than 75,000 metric tons shall be made available pursuant to section 416(b)(10)(C) of the Agricultural Act of 1949 to carry out this section unless the President determines there are an insufficient number of eligible recipients.

(3) In carrying out section 416(b) of the Agricultural Act of 1949, the Commodity Credit Corporation may purchase commodities for use under this section if—

(A) the Commodity Credit Corporation does not hold stocks of such commodities; or Securities.

(B) Commodity Credit Corporation stocks are insufficient to satisfy commitments made in agreements entered into under this section and such commodities are needed to fulfill such commitments. Contracts.

(4) No funds of the Commodity Credit Corporation in excess of \$30,000,000 (exclusive of the cost of commodities) may be used to carry out this section with respect to commodities made available under section 416(b) of the Agricultural Act of 1949 unless authorized in advance in appropriation Acts. Prohibition.

(5) The cost of commodities made available under section 416(b) of the Agricultural Act of 1949 which are furnished under this section, and the expenses incurred in connection with furnishing such commodities, shall be in addition to the level of assistance programmed under the Agricultural Trade Development and Assistance Act of 1954 and may not be considered expenditures for international affairs and finance. Prohibition.

(g) Not more than 500,000 metric tons of commodities may be furnished under this section in each of the fiscal years 1986 through 1990. Prohibition.

(h) An agreement entered into under this section shall prohibit the resale or transshipment of the commodities provided under the agreement to other countries. Prohibition.

(i) In entering into agreements under this section, the President shall take reasonable steps to avoid displacement of any sales of United States commodities that would otherwise be made to such countries. President of U.S.

President of U.S.
Report.

(j) Within 90 days after the end of each fiscal year in which an agreement entered into with a country under this section is in effect, the President shall report to the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the status of such agreement and the progress being made to implement private, free enterprise agricultural policies for long-term agricultural development in such country.

Effective date.

(k) This section shall be effective during the period beginning October 1, 1985, and ending September 30, 1990.

SALES FOR LOCAL CURRENCIES; PRIVATE ENTERPRISE PROMOTION

SEC. 1111. (a) The first sentence of section 2 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691) is amended by inserting "to use foreign currencies accruing under this Act to foster and encourage the development of private enterprise in developing countries; to enhance food security in developing countries through local food production;" after "agricultural production;"

(b) The Congress finds that additional steps should be taken to use the agricultural abundance produced by American farmers—

(1) to relieve hunger and promote long-term food security and economic development in developing countries in accordance with the development assistance policy established under section 102 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-1); and

(2) to promote United States agricultural trade interests.

(c) Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended to read as follows:

"SEC. 101. (a) In order to carry out the policies and accomplish the objectives set forth in section 2 of this Act, the President is authorized to negotiate and carry out agreements with friendly countries to provide for the sale of agricultural commodities—

"(1) for dollars on credit terms;

"(2) to the extent that sales for dollars under the terms applicable to such sales are not possible, for foreign currencies on credit terms and on terms that permit conversion to dollars at the exchange rate applicable to the sales agreement; or

"(3) for foreign currencies for use under section 108 on terms that permit conversion to dollars.

7 USC 1708.

"(b)(1) Except as provided in paragraph (2), for each of the fiscal years 1986 through 1990 sales for foreign currencies for use under section 108 under agreements entered into under this title shall be made at an annual level of not less than 10 percent of the aggregate value of all sales of agricultural commodities under this title.

"(2) The President may reduce the minimum level of sales for foreign currencies required under paragraph (1) during any fiscal year in which the President determines that the level of agricultural commodities furnished under this title will be significantly reduced as a result of compliance with the requirement under paragraph (1).

Prohibition.

"(c) Agreements for sales for foreign currency in a developing country for use under section 108 may not be entered into to the extent that such agreements would generate currency in amounts that cannot be productively used and absorbed in the private sector of such country.

“(d) Sales for foreign currencies for use under section 108 under agreements entered into under this title shall be made on such terms and conditions as are specified in such agreements.”. 7 USC 1708.

(d) Section 103 of such Act (7 U.S.C. 1703) is amended— 7 USC 1704.

(1) by inserting “, in section 108,” after “section 104” in subsection (b);

(2) by striking out “for dollars on credit terms” in the last sentence of subsection (d);

(3) in subsection (m)—

(A) by inserting “except as provided in section 108,” after “(m)”;

(B) by striking out the semicolon and inserting in lieu thereof a period; and

(C) by adding at the end thereof the following: “In carrying out this subsection, the President shall require that foreign currencies to be used under section 108 that are acquired under an agreement for the sale of commodities be convertible to dollars during the period beginning 10 years after the date of the last delivery of such commodities and ending 30 years after the date of such delivery. Such agreement for sale shall establish a schedule for such conversion but need not specify the exchange rate for such conversion;”.

President of U.S.

(4) by striking out “for dollars on credit terms” and “for cash dollars” in subsection (n);

(5) by striking out “Take” in subsection (o) and inserting in lieu thereof “take”;

(6) by striking out “Assure convertibility” in subsection (p) and inserting in lieu thereof “except as provided in section 108, assure convertibility”; and

(7) by striking out “Assure convertibility” in subsection (q) and inserting in lieu thereof “except as provided in section 108, assure convertibility”.

(e) The first sentence of section 105 of such Act (7 U.S.C. 1705) is amended by striking out “section 104” and inserting in lieu thereof “sections 104 and 108”.

(f) Section 106(a) of such Act (7 U.S.C. 1706(a)) is amended by adding at the end thereof the following new paragraph:

“(3) Payment for sales made for foreign currencies that are to be used under section 108 under an agreement entered into under this title shall be made on such terms as are specified in such agreement.”.

(g) Section 106(b) of such Act is amended by adding at the end thereof the following new paragraph:

“(4)(A) Notwithstanding any other provision of this subsection, agreements under this title for the sale of agricultural commodities for dollars on credit terms may provide that proceeds from the sale of the commodities in the recipient country shall be used for such private sector development activities as are mutually agreed upon by the United States and the recipient government.

“(B) Proceeds used for private sector development activities pursuant to this paragraph shall be deposited in jointly programmed accounts to be loaned by the recipient government to one or more financial intermediaries operating within the country for use by those financial intermediaries for loans to private individuals, private and voluntary organizations, corporations, cooperatives, and other entities within such country. In the case of a cooperative or

Loans.
Corporations.
Prohibition.

private and voluntary organizations, proceeds may be granted to defray the startup costs of becoming a financial intermediary. Such proceeds shall not be used to promote the production of commodities or the products thereof that will compete, as determined by the President, in world markets with similar commodities or the products thereof produced in the United States.”

(h) Such Act is amended by inserting after section 107 (7 U.S.C. 1707) the following new section:

7 USC 1708.
President of U.S.
Prohibition.

“SEC. 108. (a)(1) In order to foster and encourage the development of private enterprise institutions and infrastructure as the base for the expansion, promotion, and improvement of the production of food and other related goods and services within a developing country and pursuant to an agreement for the sale of agricultural commodities entered into under this title, the President may enter into an agreement with a financial intermediary located or operating in such country under which the President shall lend to such financial intermediary foreign currency that accrues as a result of commodity sales to such country under a sales agreement entered into under this title after the date of enactment of the Food Security Act of 1985. Procurement and other contracting requirements, normally applicable to appropriated funds, shall not apply to such foreign currency.

President of U.S.

“(2) Prior to loaning the foreign currencies as provided in this section, the President shall take such steps as may be necessary to assure that the availability of such foreign currencies to financial intermediaries is adequately publicized within the purchasing country.

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“(b) To be eligible to obtain foreign currency under this section, a financial intermediary must enter into an agreement with the President under which the intermediary agrees to use such currency to make loans to private individuals, cooperatives, corporations, or other entities within a developing country, at reasonable rates of interest, for the purpose of financing—

“(1) productive, private enterprise investment within such country, including such investment in projects carried out by cooperatives, nonprofit voluntary organizations, and other entities found to be qualified by the President;

“(2) private enterprise facilities for aiding the utilization and distribution, and increasing the consumption of and markets for, United States agricultural commodities and the products thereof; or

“(3) private enterprise support of self-help measures and projects.

“(c) An agreement entered into under this section shall specify the terms and conditions under which the foreign currency shall be used and subsequently repaid, including the following terms and conditions:

“(1) A financial intermediary shall, to the maximum extent feasible, give preference to the financing of agricultural related private enterprise with the funds provided under this section.

Loans.

“(2)(A) A financial intermediary shall repay a loan made under this section, plus accrued interest, at such times and in such manner as will permit conversion of such foreign currency to dollars in accordance with the schedule for such conversion.

“(B) A financial intermediary may repay a loan made under this section prior to the repayment date specified in such agreement.

“(3) To be eligible to receive financing from a financial intermediary under this section, an entity or venture must—

“(A) be owned, directly or indirectly, by citizens of the developing country or any other country eligible to participate in a sales agreement entered into under this title, except that up to 49 percent of such ownership interest may be held by citizens of the United States; and

“(B) not be owned or controlled, in whole or in part, by the government or any governmental subdivision of the developing country.

“(4)(A) The rate of interest charged on funds loaned to a financial intermediary under this section shall be such rate as is determined by the President and the intermediary.

“(B) In the case of a cooperative or nonprofit voluntary agency that is acting as a financial intermediary, the President may charge a lower rate of interest on funds loaned to such intermediary under this section than is charged to other types of intermediaries or make a grant from currencies received from sales made under section 101(a)(3) of this Act to defray the startup costs of becoming a financial intermediary.

“(5) No currency made available under this section may be used to promote the production of agricultural commodities or the products thereof that will compete, as determined by the President, in world markets with similar agricultural commodities or the products thereof produced in the United States.

“(6) The President may not require a developing country to guarantee the repayment of a loan made to a financial intermediary under this section as a condition of receipt of such loan.

“(7) A financial intermediary shall take such steps as may be necessary to publicize in the developing country the availability of loan funds under this section.

“(d)(1) All currencies repaid by financial intermediaries under agreements entered into under this section shall be deposited and accounted for in accordance with section 105.

“(2) Currencies repaid by financial intermediaries shall, as determined by the President—

“(A) be used to finance additional productive, private enterprise investment under agreements with financial intermediaries entered into under this section;

“(B) be used for the development of new markets for United States agricultural commodities;

“(C) be used for the payment of United States obligations (including obligations entered into pursuant to other laws of the United States); or

“(D) be converted to dollars.

“(3) Section 1306 of title 31, United States Code, shall apply to currencies used for the purpose specified in paragraph (2)(C).

“(e)(1) Any agreement entered into under this section and section 106(b)(4) shall be subject to periodic audit to determine whether the terms and conditions of the agreement are being fulfilled.

“(2) Not later than 180 days after the end of each fiscal year, the President shall report to the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Foreign Relations of the Senate on the activities carried out under this section and section 106(b)(4) during the preceding fiscal year, including an evaluation of the impact of investment under this

Grants.

Ante, p. 1474.

Prohibition.

Prohibition.
Loans.

Loans.

Ante, p. 1475.

Ante, p. 1475.

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Ante, p. 1475.

section and section 106(b)(4) on the development of agricultural-related private enterprise in each participating country.

“(f) The President may provide agricultural technical assistance to further the purposes of this section, including the funding of market development activities. To the maximum extent practicable, the President shall use at least 5 percent of the foreign currencies obtained for use under this section from sales of agricultural commodities made under agreements entered into under this title after the date of enactment of the Food Security Act of 1985 to carry out such assistance.

“(g) For each of the fiscal years 1986 through 1990, and in accordance with the provisions of section 106(b)(4) and this section, the President is encouraged to channel foreign currencies, in an amount equivalent to 25 percent of the value of sales agreements under this title, for loans for private enterprise investment provided there are appropriate proposals for such an amount of foreign currencies.

“(h) The provisions of this section apply notwithstanding any other provision of law.

“(i) As used in this section and in section 106(b)(4)—

“(1) the term ‘developing country’ means a country that is eligible to participate in a sales agreement entered into under this title; and

“(2) the term ‘financial intermediary’ means a bank, financial institution, cooperative, nonprofit voluntary agency, or other organization or entity, as determined by the President, that has the capability of making and servicing a loan in accordance with this section.”.

CHILD IMMUNIZATION

SEC. 1112. (a) The Agricultural Trade Development and Assistance Act of 1954 is amended—

7 USC 1691 note.

(1) in paragraph (11) of section 109 (7 U.S.C. 1709(11)) by inserting immediately before the period at the end thereof “, including the immunization of children”;

Health and medical care.

(2) in the first sentence of section 206 (7 U.S.C. 1726) by striking out “or” before “(B)”, and by inserting immediately before the period at the end thereof “, or (C) health programs and projects, including immunization of children”; and

(3) in the second sentence of section 301(b) (7 U.S.C. 1727(b)) by inserting “(including immunization of children)” immediately after “health services”.

7 USC 1709 note.

(b) In the implementation of health programs undertaken in relation to assistance provided under the Agricultural Trade Development and Assistance Act of 1954, it shall be the goal of the organizations and agencies involved to provide as many additional immunizations of children as possible. Such increased immunization activities should be taken in coordination with similar efforts of other organizations and in keeping with any national plans for expanded programs of immunization. The President shall include information concerning such immunization activities in the annual reports required by section 634 of the Foreign Assistance Act of 1961, including a report on the estimated number of immunizations provided each year pursuant to this subsection.

Reports.

22 USC 2394.

SPECIAL ASSISTANT FOR AGRICULTURAL TRADE AND FOOD AID

SEC. 1113. (a) The President shall appoint a Special Assistant to the President for Agricultural Trade and Food Aid (hereinafter in this section referred to as the "Special Assistant"). 7 USC 1736-1.

(b) The Special Assistant shall serve in the Executive Office of the President.

(c) The Special Assistant shall—

(1) assist and advise the President in order to improve and enhance food assistance programs carried out in the United States and foreign countries;

(2) be available to receive suggestions and complaints concerning the implementation of United States food aid and agricultural export programs anywhere in the United States Government and provide prompt responses thereto, including expediting the program implementation in any instances in which there is unreasonable delay;

(3) make recommendations to the President on means to coordinate and streamline the manner in which food assistance programs are carried out by the Department of Agriculture and the Agency for International Development, in order to improve their overall effectiveness;

(4) make recommendations to the President on measures to be taken to increase use of United States agricultural commodities and the products thereof through food assistance programs;

(5) advise the President on agricultural trade;

(6) advise the President on the Food for Progress Program and expedite its implementation;

(7) serve as a member of the Development Coordination Committee and the Food Aid Subcommittee of such Committee;

(8) advise departments and agencies of the Federal Government on their policy guidelines on basic issues of food assistance policy to the extent necessary to assure the coordination of food assistance programs, consistent with law, and with the advice of such Subcommittee; and

(9) submit a report to the President and Congress each year through 1990 containing— Report.

(A) a global analysis of world food needs and production;

(B) an identification of at least 15 target countries which are most likely to emerge as growth markets for agricultural commodities in the next 5 to 10 years; and

(C) a detailed plan for using available export and food aid authorities to increase United States agricultural exports to those targeted countries.

(d) The Special Assistant shall also—

(1) solicit information and advice from private and governmental sources and recommend a plan to the President and Congress on measures that should be taken—

(A) to promote the export of United States agricultural commodities and the products thereof; and

(B) to expand export markets for United States agricultural commodities and the products thereof;

(2) develop and recommend to the President national agricultural policies to foster and promote the United States agricultural industry and to maintain and increase the strength of this vitally important sector of the United States economy; and

Commerce and
trade.

(3)(A) appraise the various programs and activities of the Federal Government, as they affect the United States agricultural industry, for the purpose of determining the extent to which such programs and activities are contributing or not contributing to such industry; and

(B) make recommendations to the President and Congress with respect to the effectiveness of such programs and activities in contributing to such industry.

(d) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following new item:

“Special Assistant for Agricultural Trade and Food Aid.”

Subtitle B—Maintenance and Development of Export Markets

TRADE POLICY DECLARATION

7 USC 1736p.

SEC. 1121. (a) Congress finds that—

(1) the volume and value of United States agricultural exports have significantly declined in recent years as a result of unfair foreign competition and the high value of the dollar;

(2) this decline has been exacerbated by the lack of uniform and coherent objectives in United States agricultural trade policy and the absence of direction and coordination in trade policy formulation;

(3) agricultural interests have been under-represented in councils of government responsible for determining economic policy that has contributed to a strengthening of the United States dollar;

(4) foreign policy objectives of the United States have been introduced into the trade policy process in a manner injurious to the goal of maximizing United States economic interests through trade; and

(5) the achievement of that goal is in the best interests of the United States.

(b) It is hereby declared to be the agricultural trade policy of the United States to—

(1) provide through all means possible agricultural commodities and their products for export at competitive prices, with full assurance of quality and reliability of supply;

(2) support the principle of free trade and the promotion of fairer trade in agricultural commodities and their products;

(3) cooperate fully in all efforts to negotiate with foreign countries reductions in current barriers to fair trade;

(4) counter aggressively unfair foreign trade practices using all available means, including export restitution, export bonus programs, and, if necessary, restrictions on United States imports of foreign agricultural commodities and their products, as a means to encourage fairer trade;

(5) remove foreign policy constraints to maximize United States economic interests through agricultural trade; and

(6) provide for consideration of United States agricultural trade interests in the design of national fiscal and monetary policy that may foster continued strength in the value of the dollar.

TRADE LIBERALIZATION

7 USC 1736q.

SEC. 1122. (a) Congress finds that—

(1) the present high level of agricultural protectionism contrasts sharply with the general trade liberalization that has been achieved since the inception of the General Agreement on Tariffs and Trade (hereinafter referred to as "GATT"); and

(2) GATT procedures should explicitly recognize the protective effect of domestic subsidies that alter trade indirectly by reducing the demand for imports and increasing the supply of exports.

(b) It is the sense of Congress that the President should negotiate with other parties to GATT to revise GATT rules and codes with the goal of reducing agricultural export subsidies, tariffs, and nontariff barriers to trade.

AGRICULTURAL TRADE CONSULTATIONS

SEC. 1123. (a) To improve the orderly marketing of United States agricultural commodities, to achieve higher income for United States producers of agricultural commodities, and to reduce the likelihood of an agricultural commodity price war and the need for export subsidy programs, the Secretary of Agriculture shall, in coordination with the United States Trade Representative, confer with representatives of other major agricultural producing countries and, at the earliest possible date, initiate and pursue agricultural trade consultations among major agricultural producing countries. 7 USC 1736r.

(b) It is the sense of Congress that the objectives of the consultations called for in subsection (a) should be to—

(1) increase the exchange of information on worldwide agricultural production, demand, and commodity supply levels;

(2) determine a more equitable sharing of responsibility for maintaining agricultural commodity reserves and managing supplies of agricultural commodities; and

(3) attain increased cooperation in restraining export subsidy programs.

(c) The Secretary of Agriculture shall report to Congress by July 1, 1986, and annually thereafter through fiscal year 1990, on the progress of efforts to initiate and pursue the consultations called for in subsection (a), including any agreements reached with respect to the objectives set forth in subsection (b).

TARGETED EXPORT ASSISTANCE

SEC. 1124. (a) For export activities authorized to be carried out by the Secretary of Agriculture or the Commodity Credit Corporation, the Secretary of Agriculture shall use under this section, in addition to any funds or commodities otherwise required under this Act to be used for such activities, for the fiscal year ending September 30, 1986, and each of the fiscal years thereafter through September 30, 1990, not less than \$325,000,000 of funds of, or an equal value of commodities owned by, the Corporation. 7 USC 1736s.

(b)(1) Funds or commodities made available for use under this section shall be used by the Secretary only to counter or offset the adverse effect on the export of a United States agricultural commodity or the product thereof of a subsidy (as defined in paragraph (2)), import quotas, or other unfair trade practices of a foreign country

(2) As used in paragraph (1), the term subsidy includes an export subsidy, tax rebate on exports, financial assistance on preferential terms, financial assistance for operating losses, assumption of costs

or expenses of production, processing, or distribution, a differential export tax or duty exemption, a domestic consumption quota, or other method of furnishing or ensuring the availability of raw materials at artificially low prices.

(c) The Secretary shall provide export assistance under this section on a priority basis in the case of—

(1) agricultural commodities and the products thereof with respect to which there has been a favorable decision under section 301 of the Trade Act of 1974 (19 U.S.C. 2411); or

(2) agricultural commodities and the products thereof for which exports have been adversely affected, as defined by the Secretary, by retaliatory actions related to a favorable decision under section 301 of the Trade Act of 1974 (19 U.S.C. 2411).

98 Stat. 3002,
3003, 3005.

SHORT-TERM EXPORT CREDIT

7 USC 1736t.

SEC. 1125. (a) In making available any guarantees of the repayment of credit extended on terms of up to 3 years in connection with the export sale of United States agricultural commodities or the products thereof, the Commodity Credit Corporation shall take into account—

(1) the credit needs of countries that are potential purchasers of United States agricultural exports;

(2) the creditworthiness of such countries; and

(3) whether the availability of Commodity Credit Corporation guarantees will improve the competitive position of United States agricultural exports in world markets.

(b) Effective for the fiscal year ending September 30, 1986 and each fiscal year thereafter through the fiscal year ending September 30, 1990, the Commodity Credit Corporation shall make available not less than \$5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof.

Prohibition.

(c) Notwithstanding any other provision of law, the Secretary of Agriculture may not charge an origination fee with respect to any credit guarantee transaction under the Export Credit Guarantee Program (GSM-102) in excess of an amount equal to one percent of the credit extended under the transaction.

COOPERATOR MARKET DEVELOPMENT PROGRAM

7 USC 1736u.

SEC. 1126. (a) It is the sense of Congress that the cooperator market development program of the Foreign Agricultural Service should be continued to help develop new markets and expand and maintain existing markets for United States agricultural commodities, using nonprofit agricultural trade organizations to the maximum extent practicable.

7 USC 1736u.

(b) The cooperator market development program shall be exempt from the requirements of Circular A 110 issued by the Office of Management and Budget.

(c) Subclause (B) of section 1207(a)(5) of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m(a)(5)(B)) is amended to read as follows: “(B) funding an export market development program for value-added farm products and processed foods at a higher funding level than that provided during the fiscal year ending September 30, 1985; and”.

DEVELOPMENT AND EXPANSION OF MARKETS FOR UNITED STATES
AGRICULTURAL COMMODITIES

SEC. 1127. (a)(1) Notwithstanding any other provision of law, the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall formulate and carry out a program under which agricultural commodities and the products thereof acquired by the Commodity Credit Corporation are provided to United States exporters, users, and processors and foreign purchasers at no cost to encourage the development, maintenance, and expansion of export markets for United States agricultural commodities and the products thereof, including value-added or high-value agricultural products produced in the United States. 7 USC 1736v.

(2)(A) The term "agricultural commodities", as used in this section in referring to United States agricultural commodities, includes, but is not limited to—

(i) wheat, feed grains, upland cotton, rice, soybeans, and dairy products produced in the United States;

(ii) any other agricultural commodity produced in the United States that is determined by the Secretary of Agriculture to be in surplus supply and that can be purchased with funds available under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935; and 7 USC 612c.

(iii) products of the commodities and products described in clauses (i) and (ii) that are processed in the United States.

(B) United States agricultural commodities, as described in clause (ii) of subparagraph (A), may not be purchased with funds available under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, for the sole purpose of use under the program under this section; and such commodities, or products thereof, may not be furnished to a United States user, exporter, processor, or foreign purchaser under the program under this section except by mutual agreement of such user, exporter, processor, or purchaser and the Secretary. Prohibitions.

(3) In carrying out paragraph (1), the Secretary may provide such commodities in order to make United States commodities more competitive and shall, to the extent necessary, provide such commodities and products—

(A) to counter or offset—

(i) the adverse effect on the export of a United States agricultural commodity or the product thereof of a subsidy (as defined in paragraph (4)) or other unfair trade practice of a foreign country that directly or indirectly benefits producers, processors, or exporters of agricultural commodities in such foreign country;

(ii) the adverse effects of United States agricultural price support levels that are temporarily above the export prices offered by overseas competitors in export markets; or

(iii) fluctuations in the exchange rate of the United States dollar against other major currencies; and

(B) in conjunction with an intermediate export credit program conducted by the Commodity Credit Corporation— Animals.

(i) for the export sale of breeding animals (including, but not limited to, cattle, swine, sheep, and poultry), including

the cost of freight from the United States to designated points of entry in other nations; and

(ii) for the establishment of facilities in the importing nation to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities (through the use of local currency generated from the import and sale of United States agricultural commodities or the products thereof to finance all or part of such facilities).

(4) As used in paragraph (3)(A)(i), the term "subsidy" includes an export subsidy, tax rebate on exports, financial assistance on preferential terms, financial assistance for operating losses, assumption of costs or expenses of production, processing, or distribution, a differential export tax or duty exemption, a domestic consumption quota, or other method of furnishing or ensuring the availability of raw materials at artificially low prices.

(b) In carrying out the program established by this section, the Secretary of Agriculture—

(1) shall take such action as may be necessary to ensure that the program provides equal treatment to domestic and foreign purchasers and users of United States agricultural commodities and the products thereof in any case in which the importation of a manufactured product made, in whole or in part, from a commodity or the product thereof made available for export under this section would place domestic users of the commodity or the product thereof at a competitive disadvantage;

(2) shall, to the extent that agricultural commodities and the products thereof are to be provided to foreign purchasers during any fiscal year, consider for participation all interested foreign purchasers, giving priority to those who have traditionally purchased United States agricultural commodities and the products thereof and who continue to purchase such commodities and the products thereof on an annual basis in quantities greater than the level of purchases in a previous representative period;

(3) shall encourage increased use and avoid displacing usual marketings of United States agricultural commodities and the products thereof;

(4) shall take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic use in the importing country, of agricultural commodities or the products thereof the export of which is assisted under this section; and

(5) may provide to a United States exporter, user, processor, or foreign purchaser, under the program, agricultural commodities of a kind different than the agricultural commodity involved in the transaction for which assistance under this section is being provided.

(c)(1) If a country does not meet the financial qualifications for export credit or credit guarantees provided by the Commodity Credit Corporation, the Secretary may provide to such country agricultural commodities and the products thereof acquired by the Corporation to the extent necessary to reduce the cost to such country of purchasing United States agricultural commodities and to allow such country to meet such qualifications.

(2) The Secretary shall review and adjust annually the quantity of commodities provided to a country under paragraph (1) in order to encourage such country to place greater reliance on increased use of

commercial trade to meet the qualifications referred to in paragraph (1).

(d)(1) In carrying out this section, the Secretary may make green dollar export certificates available to commercial exporters of United States agricultural commodities and the products thereof.

(2) The Secretary shall make such certificates available under such terms and conditions as the Secretary determines appropriate.

(3) The amount of such certificates to be made available to an exporter may be determined—

(A) on the basis of competitive bids submitted by exporters; or

(B) by announcement of the Secretary.

(4)(A) An exporter may redeem a green dollar export certificate for commodities owned by the Commodity Credit Corporation.

(B) For purposes of redeeming such certificates, the Secretary may establish values for such commodities that are different than the acquisition prices of such commodities.

(5) Such certificates—

(A) may be transferred among commercial exporters of United States agricultural commodities; and

(B) shall be redeemed within 6 months after the date of issuance.

(e) The Secretary of Agriculture shall carry out the program established by this section through the Commodity Credit Corporation.

(f) Any price restrictions that otherwise may be applicable to dispositions of agricultural commodities owned by the Commodity Credit Corporation shall not apply to agricultural commodities provided under this section.

Prohibition.

(g) The program established under this section shall be in addition to, and not in place of, any authority granted to the Secretary of Agriculture or the Commodity Credit Corporation under any other provision of law.

(h) The authority provided under this section shall terminate on September 30, 1990.

Termination.

(i) During the period beginning October 1, 1985, and ending September 30, 1988, the Secretary shall use agricultural commodities and the products thereof referred to in subsection (a) that are equal in value to not less than \$2,000,000,000 to carry out this section. To the maximum extent practicable, such commodities shall be used in equal amounts during each of the years in such period.

POULTRY, BEEF AND PORK MEATS AND MEAT-FOOD PRODUCTS, EQUITABLE TREATMENT

SEC. 1128. In the case of any program operated by the Secretary of Agriculture during the years 1986 through 1989, for the purpose of encouraging or enhancing commercial sales in foreign export markets of agricultural products or commodities produced in the United States, which program includes the payment of a bonus or incentive (in cash, commodities, or other benefits) provided to the purchaser, the Secretary shall seek to expend annually at least 15 per centum of the total funds available (or 15 per centum of the value of any commodities employed to encourage such sales) for program activities to likewise encourage and enhance the export sales of poultry, beef or pork meat and meat products.

7 USC 1736w.

**PILOT BARTER PROGRAM FOR EXCHANGE OF AGRICULTURAL
COMMODITIES FOR STRATEGIC MATERIALS**

7 USC 1431.

Sec. 1129. Section 416 of the Agricultural Act of 1949 is amended by adding at the end thereof the following:

“(d)(1) The Secretary shall establish and carry out a pilot program under which strategic or other materials that the United States does not produce domestically in amounts sufficient for its requirements and for which national stockpile or reserve goals established by law are unmet shall be acquired in exchange for commodities meeting the criteria specified in subsection (a).

“(2) The program established under paragraph (1) shall be carried out through agreements with at least two countries.

“(3) In establishing the pilot program under paragraph (2), the Secretary shall give priority to—

“(A) the acquisition of materials that involve less risk of loss through deterioration and have lower storage costs than the agricultural commodities or products for which they are exchanged; and

“(B) nations with food and currency reserve shortages.

“(4) To the extent practical, the Secretary shall use private channels of commerce to consummate any exchange of commodities for materials under the program.

“(5) Any materials acquired under the programs shall be held by the Commodity Credit Corporation and may be transferred, on a reimbursable basis, to any Department or agency of the United States that has responsibility for any reserve or other need for the material. Any material acquired, in excess of any required reserve, may be sold by the Corporation to the extent authorized by the Secretary taking into consideration any effect that such sale may have on the commercial market of such material.

“(6) The program established by the Secretary shall be carried out during the fiscal years ending September 30, 1986, and September 30, 1987, and the Secretary shall submit a report to Congress, not later than 60 days after the end of each such fiscal year with respect to the operation of the program.”.

Report.

AGRICULTURAL EXPORT CREDIT REVOLVING FUND

SEC. 1130. Section 4(d)(6) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(d)(6)) is amended by striking out “1985” both places it appears and inserting in lieu thereof “1990”.

INTERMEDIATE EXPORT CREDIT

SEC. 1131. Section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)) is amended—

Loans.

(1) by adding at the end of paragraph (1) the following new sentence: “In addition, the Corporation may guarantee the repayment of loans made to finance such sales.”;

(2) in paragraph (2)—

(A) by inserting “, and no loan may be guaranteed,” after “financed”;

(B) by striking out “or” at the end of clause (A);

(C) by striking out the period at the end of clause (B) and inserting in lieu thereof “; or”; and

(D) by inserting at the end thereof the following new clause:

“(C) otherwise promote the export of United States agricultural commodities.”;

(3) by striking out paragraph (7);

(4) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(5) by inserting after paragraph (2) the following new paragraph:

“(3) The Secretary is encouraged, to the maximum extent practicable, to finance or guarantee the export sales of agricultural commodities under this subsection to purchasers from—

“(A) countries that are previous recipients of credit extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.);

“(B) countries unable, as determined by the Secretary, to utilize other short-term export credit programs offered by the Secretary or the Commodity Credit Corporation; and

“(C) countries that are friendly countries, as defined in section 103(d) of such Act (7 U.S.C. 1703(d)).”;

(6) in paragraph (4) (as redesignated by clause (4))—

(A) by inserting “or guarantees” after “financing”;

(B) by striking out “and” at the end of subparagraph (C);

(C) by striking out “credit” in subparagraph (D);

(D) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon; and

(E) by adding at the end thereof the following new subparagraphs:

“(E) to finance the importation of agricultural commodities by developing nations for use in meeting their food and fiber needs; and

“(F) otherwise to promote the export sales of agricultural commodities.”;

(7) in paragraph (5) (as redesignated by clause (4))—

(A) by inserting “or guarantees” after “financing”; and

(B) by striking out “to encourage credit competition, or”;

(8) in paragraph (6) (as redesignated by clause (4))—

(A) by inserting “(A)” after the paragraph designation;

(B) by redesignating subparagraphs (A) and (B) as clauses

(i) and (ii), respectively;

(C) by amending clause (i) (as redesignated) to read as follows:

“(i) Repayment shall be in dollars with interest at a rate determined by the Secretary.”; and

(D) by adding at the end thereof the following new subparagraph:

“(B) Contracts of guarantee under this subsection shall contain such terms and conditions as the Commodity Credit Corporation shall determine.”;

Contracts.

(9) by inserting “or guarantees” after “financing” in paragraph (7) (as redesignated by clause (4));

(10) by inserting “or guaranteed” after “financed” in paragraph (8); and

(11) by adding at the end thereof the following new paragraph:

“(10) For purposes of guaranteeing export sales under this subsection, the Commodity Credit Corporation shall make available—

“(A) for each of the fiscal years ending September 30, 1986, through September 30, 1988, not less than \$500,000,000; and

“(B) for each of the fiscal years ending September 30, 1989 and September 30, 1990, not more than \$1,000,000,000.”.

AGRICULTURAL ATTACHÉ REPORTS

7 USC 1736x.

SEC. 1132. (a) The Secretary of Agriculture shall require appropriate officers and employees of the Department of Agriculture, including those stationed in foreign countries, to prepare and submit annually to the Secretary detailed reports that—

(1) document the nature and extent of—

(A) programs in such countries that provide direct or indirect government support for the export of agricultural commodities and the products thereof; and

(B) other trade practices that may impede the entry of United States agricultural commodities and the products thereof into such countries; and

(2) identify opportunities for the export of United States agricultural commodities and the products thereof to such countries.

(b) The Secretary shall annually compile the information contained in such reports and make such information available to Congress, the Agricultural Policy Advisory Committee and the agricultural technical advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), and other interested parties.

(c) The United States Trade Representative shall—

(1) review the reports prepared under subsection (a) and any other information available to identify export subsidies or other export enhancing techniques (within the meaning of the agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade);

(2) identify markets (in order of priority) in which United States export subsidies can be used most efficiently and will have the greatest impact in offsetting the benefits of foreign export subsidies that—

(A) harm United States exports,

(B) are inconsistent with the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade,

(C) nullify or impair benefits accruing to the United States under international agreements, or

(D) cause serious prejudice to the interests of the United States and

(3) submit to the Congress and to the Secretary of Agriculture an annual report on—

(A) the existence and status of export subsidies and other export enhancing techniques that are the subject of the investigation conducted under paragraph (1), and

(B) the identification and assignment of priority to markets under paragraph (2).

(d) The Secretary and the United States Trade Representative shall convene a meeting, at least once a year, of the Agricultural Policy Advisory Committee and the agricultural technical advisory committees to develop specific recommendations for actions to be taken by the Federal Government and private industry to—

Exports.

International
agreements.

Exports.

(1) reduce or eliminate trade barriers or distortions identified in the annual reports required to be submitted under subsections (a) and (c); and

(2) expand United States agricultural export opportunities identified in such annual reports. Exports.

CONTRACT SANCTITY AND PRODUCER EMBARGO PROTECTION

SEC. 1133. (a) It is hereby declared to be the policy of the United States—

Exports.
7 USC 1736y.

(1) to foster and encourage the export of agricultural commodities and the products of such commodities;

(2) not to restrict or limit the export of such commodities and products except under the most compelling circumstances;

(3) that any prohibition or limitation on the export of such commodities or products should be imposed only in time of a national emergency declared by the President under the Export Administration Act; and

(4) that contracts for the export of such commodities or products entered into before the imposition of any prohibition or limitation on the export of such commodities or products should not be abrogated.

(b) Section 1204 of the Agriculture and Food Act of 1981 (7 U.S.C. 1736j) is amended—

(1) in subsection (a), by striking out “involved by” and all that follows through the period and inserting in lieu thereof “involved by making payments available to such producers, as provided in subsection (b) of this section.”;

(2) by striking out “clause (1) of” in subsection (b);

(3) by striking out subsection (d); and

(4) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

STUDY TO REDUCE FOREIGN EXCHANGE RISK

SEC. 1134. (a) The Secretary of Agriculture shall conduct a study to determine the feasibility, practicability and cost of implementing a program to reduce the risk of foreign exchange fluctuations that is incurred by the purchasers of United States agricultural exports under United States export credit promotion programs. The purpose of the study is to examine whether the GSM-102 program and all other United States export credit initiatives relating to agricultural exports would be enhanced by the United States assuming the foreign exchange risk of the buyer which resulted from a rise in the value of the United States dollar compared to the trade-weighted index of the dollar. The index referred to is the “trade-weighted index” published by the Department of Commerce as a measurement of the relative buying power of the dollar compared to the currencies of nations trading with the United States. The elements of the program to be considered in this study would include the following:

Exports.

(1) On the date a foreign buyer receives GSM-102 or other credit for purposes of purchasing United States agricultural products, the maximum loan repayment exchange rate would be tied to the trade-weighted value of the United States dollar on the same date.

Loans.

Loans.

(2) If in the future the United States dollar gains in strength (a higher trade-weighted index), the buyer would continue to repay the loan at the lower value fixed at the time the GSM-102 credit was extended.

(3) If the United States dollar falls in value during the term of the repayment period, the foreign buyer could calculate his repayment on the lower dollar value.

(b) Not later than six months after the enactment of this Act, the Secretary shall report the results of such study to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Subtitle C—Export Transportation of Agricultural Commodities**FINDINGS AND DECLARATIONS**

Defense and
national
security.
46 USC app.
1241d.

SEC. 1141. (a) The Congress finds and declares—

(1) that a productive and healthy agricultural industry and a strong and active United States maritime industry are vitally important to the economic well-being and national security objectives of our Nation;

(2) that both industries must compete in international markets increasingly dominated by foreign trade barriers and the subsidization practices of foreign governments; and

Vessels.

(3) that increased agricultural exports and the utilization of United States merchant vessels contribute positively to the United States balance of trade and generate employment opportunities in the United States.

(b) It is therefore declared to be the purpose and policy of the Congress in this subtitle—

(1) to enable the Department of Agriculture to plan its export programs effectively, by clarifying the ocean transportation requirements applicable to such programs;

(2) to take immediate and positive steps to promote the growth of the cargo carrying capacity of the United States merchant marine;

(3) to expand international trade in United States agricultural commodities and products and to develop, maintain, and expand markets for United States agricultural exports;

(4) to improve the efficiency of administration of both the commodity purchasing and selling and the ocean transportation activities associated with export programs sponsored by the Department of Agriculture;

(5) to stimulate and promote both the agricultural and maritime industries of the United States and encourage cooperative efforts by both industries to address their common problems; and

(6) to provide in the Merchant Marine Act, 1936, for the appropriate disposition of these findings and purposes.

46 USC 1245 et
seq.

EXEMPTION OF CERTAIN AGRICULTURAL EXPORTS FROM THE REQUIREMENTS OF THE CARGO PREFERENCE LAWS

46 USC 1245 et
seq.

SEC. 1142. The Merchant Marine Act, 1936, (46 U.S.C. 1101 et seq.) is amended by inserting after section 901 the following:

Prohibition.
46 USC 1241.
46 USC app.
1241e.

“SEC. 901a. The requirements of section 901(b)(1) of this Act and the Joint Resolution of March 26, 1934 (46 U.S.C. App. 1241-1), shall

not apply to any export activities of the Secretary of Agriculture or the Commodity Credit Corporation—

“(1) under which agricultural commodities or the products thereof acquired by the Commodity Credit Corporation are made available to United States exporters, users, processors, or foreign purchasers for the purpose of developing, maintaining, or expanding export markets for United States agricultural commodities or the products thereof at prevailing world market prices;

“(2) under which payments are made available to United States exporters, users, or processors or, except as provided in section 901b, cash grants are made available to foreign purchasers, for the purpose described in paragraph (1);

Grants.

“(3) under which commercial credit guarantees are blended with direct credits from the Commodity Credit Corporation to reduce the effective rate of interest on export sales of United States agricultural commodities or the products thereof;

Infra.

“(4) under which credit or credit guarantees for not to exceed 3 years are extended by the Commodity Credit Corporation to finance or guarantee export sales of United States agricultural commodities or the products thereof; or

“(5) under which agricultural commodities or the products thereof owned or controlled by or under loan from the Commodity Credit Corporation are exchanged or bartered for materials, goods, equipment, or services, but only if such materials, goods, equipment, or services are of a value at least equivalent to the value of the agricultural commodities or products exchanged or bartered therefor (determined on the basis of prevailing world market prices at the time of the exchange or barter), but nothing in this subsection shall be construed to exempt from the cargo preference provisions referred to in section 901b any requirement otherwise applicable to the materials, goods, equipment, or services imported under any such transaction.

Loans.

Prohibition.

“SHIPMENT REQUIREMENTS FOR CERTAIN EXPORTS SPONSORED BY THE
DEPARTMENT OF AGRICULTURE

“Sec. 901b. (a)(1) In addition to the requirement for United States-flag carriage of a percentage of gross tonnage imposed by section 901(b)(1) of this Act, 25 percent of the gross tonnage of agricultural commodities or the products thereof specified in subsection (b) shall be transported on United States-flag commercial vessels.

Vessels.

46 USC app.

1241f.

7 USC 1241.

“(2) In order to achieve an orderly and efficient implementation of the requirement of paragraph (1)—

“(A) an additional quantity equal to 10 percent of the gross tonnage referred to in paragraph (1) shall be transported in United States-flag vessels in calendar year 1986;

“(B) an additional quantity equal to 20 percent of the gross tonnage shall be transported in such vessels in calendar year 1987; and

“(C) an additional quantity equal to 25 percent of the gross tonnage shall be transported in such vessels in calendar year 1988 and in each calendar year thereafter.

“(b) This section shall apply to any export activity of the Commodity Credit Corporation or the Secretary of Agriculture—

“(1) carried out under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

Ante, p. 1486.

"(2) carried out under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

"(3) carried out under the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1);

"(4) under which agricultural commodities or the products thereof are—

"(A) donated through foreign governments or agencies, private or public, including intergovernmental organizations; or

"(B) sold for foreign currencies or for dollars on credit terms of more than ten years;

"(5) under which agricultural commodities or the products thereof are made available for emergency food relief at less than prevailing world market prices;

Grants.
Vessels.

"(6) under which a cash grant is made directly or through an intermediary to a foreign purchaser for the purpose of enabling the purchaser to obtain United States agricultural commodities or the products thereof in an amount greater than the difference between the prevailing world market price and the United States market price, free along side vessel at United States port; or

"(7) under which agricultural commodities owned or controlled by or under loan from the Commodity Credit Corporation are exchanged or bartered for materials, goods, equipment, or services produced in foreign countries, other than export activities described in section 901a (5).

Ante, p. 1490.

"(c)(1) The requirement for United States-flag transportation imposed by subsection (a) shall be subject to the same terms and conditions as provided in section 901(b) of this Act.

7 USC 1241.

"(2)(A) In order to provide for effective and equitable administration of the cargo preference laws the calendar year for the purpose of compliance with minimum percentage requirements shall be for 12 month periods commencing April 1, 1986.

"(B) In addition, the Secretary of Transportation, in administering this subsection and section 901(b), and consistent with these sections, shall take such steps as may be necessary and practicable without detriment to any port range to preserve during calendar years 1986, 1987, 1988, and 1989 the percentage share, or metric tonnage of bagged, processed, or fortified commodities, whichever is lower, experienced in calendar year 1984 as determined by the Secretary of Agriculture, of waterborne cargoes exported from Great Lake ports pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.).

"(d) As used in subsection (b), the term 'export activity' does not include inspection or weighing activities, other activities carried out for health or safety purposes, or technical assistance provided in the handling of commercial transactions.

"(e)(1) The prevailing world market price as to agricultural commodities or the products thereof shall be determined under sections 901a through 901d in accordance with procedures established by the Secretary of Agriculture. The Secretary shall prescribe such procedures by regulation, with notice and opportunity for public comment, pursuant to section 553 of title 5, United States Code.

Ante, pp. 1490-1491; *post*, p. 1493.

"(2) In the event that a determination of the prevailing world market price of any other type of materials, goods, equipment, or service is required in order to determine whether a barter or

exchange transaction is subject to subsection (b)(6) or (b)(7), such determination shall be made by the Secretary of Agriculture in consultation with the heads of other appropriate Federal agencies.

"MINIMUM TONNAGE

"SEC. 901c. (a)(1) For fiscal year 1986 and each fiscal year thereafter, the minimum quantity of agricultural commodities to be exported under programs subject to section 901b shall be the average of the tonnage exported under such programs during the base period defined in subsection (b), discarding the high and low years.

46 USC app.
1241g.

Ante, p. 1491.

"(2) The President may waive the minimum quantity for any fiscal year required under paragraph (1) if he determines and reports to the Congress, together with his reasons, that such quantity cannot be effectively used for the purposes of such programs or, based on a certification by the Secretary of Agriculture, that the commodities are not available for reasons which include the unavailability of funds.

President of U.S.

"(b) The base period utilized for computing the minimum tonnage quantity referred to in subsection (a) for any fiscal year shall be the five fiscal years beginning with the sixth fiscal year preceding such fiscal year and ending with the second fiscal year preceding such fiscal year.

"FINANCING OF SHIPMENT OF AGRICULTURAL COMMODITIES IN UNITED STATES-FLAG VESSELS

"SEC. 901d. (a) The Secretary of Transportation shall finance any increased ocean freight charges incurred in any fiscal year which result from the application of section 901b.

46 USC app.
1241h.

Ante, p. 1491.

"(b) If in any fiscal year the total cost of ocean freight and ocean freight differential for which obligations are incurred by the Department of Agriculture and the Commodity Credit Corporation on exports of agricultural commodities and products thereof under the agricultural export programs specified in section 901b(b) exceeds 20 percent of the value of such commodities and products and the cost of such ocean freight and ocean freight differential on which obligations are incurred by such Department and Corporation during such year, the Secretary of Transportation shall reimburse the Department of Agriculture and the Commodity Credit Corporation for the amount of such excess. For the purpose of this subsection, commodities shipped from the inventory of the Commodity Credit Corporation shall be valued as provided in section 403(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733(b)).

"(c) For the purpose of meeting those expenses required to be assumed under subsections (a) and (b), the Secretary of Transportation shall issue to the Secretary of the Treasury such obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of Transportation with the approval of the Secretary of the Treasury. Such obligations shall be at a rate of interest as determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such obligations during the month preceding the issuance of such obligations of the Secretary of Transportation. The Secretary of the Treasury shall purchase any

Securities.
Public debt.

31 USC 3101 *et seq.*

obligations of the Secretary of Transportation issued under this subsection and, for the purpose of purchasing such obligations, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, after the date of the enactment of this Act and the purposes for which securities may be issued under such chapter are extended to include any purchases of the obligations of the Secretary of Transportation under this subsection. All redemptions and purchases by the Secretary of the Treasury of the obligations of the Secretary of Transportation shall be treated as public-debt transactions of the United States.

"(d) There is authorized to be appropriated annually for each fiscal year, commencing with the fiscal year beginning October 1, 1986, an amount sufficient to reimburse the Secretary of Transportation for the costs, including administrative expenses and the principal and interest due on the obligations to the Secretary of the Treasury incurred under this section. Reimbursement of any such costs shall be made with appropriated funds, as provided in this section, rather than through cancellation of notes.

Ante, p. 1491.

"(e) Notwithstanding the provisions of this section, in the event that the Secretary of Transportation is unable to obtain the funds necessary to finance the increased ocean freight charges resulting from the requirements of subsections (a) and (b) and section 901b(a), the Secretary of Transportation shall so notify the Congress within 10 working days of the discovery of such insufficiency.

"AUTHORIZATION OF APPROPRIATIONS

46 USC app. 1241i.

Ante, pp. 1490-1494; *post*, pp. 1495, 1496.

"SEC. 901e. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 901a through 901k.

"TERMINATION OF SECTIONS 901A THROUGH 901K

46 USC app. 1241j.

Ante, p. 1493.

"SEC. 901f. The operation of sections 901a through 901k shall terminate 90 days after the date on which a notification is made pursuant to section 901d(e), except with respect to shipments of agricultural commodities and products subject to contracts entered into before the expiration of such 90-day period, unless within such 90-day period the Secretary of Transportation proclaims that funds are available to finance increased freight charges resulting from the requirements of sections 901b(a) and 901d(a) and (b). In the event of termination under this section, nothing in sections 901a through 901d shall be construed as exempting export activities from or subjecting export activities to the cargo preference laws except to the extent those activities are exempt under section 4(b) of Public Law 95-501 (7 U.S.C. 1707a(b)). In the event of termination under this section, the 50 percent requirement in section 901(b) of the Merchant Marine Act, 1936 shall be in full effect.

Ante, pp. 1491, 1493.

Ante, pp. 1490-1493.

46 USC 1241.

"NATIONAL ADVISORY COMMISSION ON AGRICULTURAL EXPORT TRANSPORTATION POLICY

46 USC app. 1241k.

"SEC. 901g. (a) There is hereby established an advisory commission to be known as the National Advisory Commission on Agricultural Export Transportation Policy (hereafter in this section through section 901j referred to as the 'Commission').

Post, pp. 1495, 1496.

"(b)(1) The Commission shall be composed of 16 members.

"(2) Eight members of the Commission shall be appointed by the President.

"(3) The chairman and ranking minority members of the Senate Committee on Agriculture, Nutrition, and Forestry, of the Subcommittee on Merchant Marine of the Senate Committee on Commerce, Science, and Transportation, of the House Committee on Agriculture, and of the House Committee on Merchant Marine and Fisheries shall serve as members of the Commission.

"(4)(A) Four of the members appointed by the President shall be representatives of agricultural producers, cooperatives, merchandisers, and processors of agricultural commodities.

"(B) The remaining four members appointed by the President shall be representatives of the United States-flag maritime industry, two of whom shall represent labor and two of whom shall represent management.

"(c)(1) The members of the Commission shall elect a Chairman from among its members.

"(2) Any vacancy in the Commission does not affect its powers but shall be filled in the same manner in which the original appointment was made.

"DUTIES OF THE COMMISSION

"Sec. 901h. (a) It shall be the duty of the Commission to conduct a comprehensive study and review of the ocean transportation of agricultural exports subject to the cargo preference laws referred to in section 901b and to make recommendations to the President and the Congress for improving the efficiency of such transportation on United States-flag vessels in order to reduce the costs incurred by the United States in connection with such transportation. In carrying out such study and review, the Commission shall consider the extent to which any unfair or discriminatory practices of foreign governments increase the cost to the United States of transporting agricultural commodities subject to such cargo preference laws.

"(b)(1) The Commission shall submit an interim report to the President and the Congress not later than one year after the date of the enactment of this subtitle and such other interim reports as the Commission considers advisable.

"(2) The Commission shall submit a final report containing its findings and recommendations to the President and the Congress not later than two years after the date of the enactment of this subtitle. The report shall include recommendations for any changes in the provisions of paragraph (1) that would help assure that the cost of ocean freight and ocean freight differential incurred by the Department of Agriculture and the Commodity Credit Corporation in the agricultural export programs specified in section 901b, is not increased above historical levels as a result of the extra demand for United States-flag vessels caused by section 901b.

"(3) Sixty days after the submission of the final report, the Commission shall cease to exist.

"(c) The Commission shall include in its reports submitted pursuant to subsection (b) recommendations concerning the feasibility and desirability of achieving the following goals with respect to the ocean transportation of agricultural commodities subject to the cargo preference laws referred to in section 901b:

"(1) Ensuring that the timing of commodity purchase agreements entered into by the United States in connection with the

Study.
Exports.
46 USC app.
1241l.
Ante, p. 1491.

Report.

Report.
Exports.
Vessels.
Report.

Report.

Reports.

export of such commodities, and the methods of implementing such agreements, will minimize cost to the United States.

Vessels.

"(2) Ensuring that shipments of such commodities are made on the most modern and efficient United States-flag vessels available.

"(3) Ensuring that shipments of such commodities are made under the most advantageous terms available, including—

"(A) charters for full shiploads;

"(B) charters for intermediate or long term;

Contracts.

"(C) charters for consecutive voyages and contracts of affreightment; and

Vessels.

"(D) adjustment of rates in the event that vessels used for shipments of such commodities also carry cargoes on return voyages.

Vessels.

"(4) Reduction and elimination of impediments, including delays in port, to the efficient loading and operation of the vessels employed for shipment of such commodities.

"(5) Utilization of open and competitive bidding for the ocean transportation of such commodities.

"INFORMATION AND ASSISTANCE TO BE FURNISHED TO THE COMMISSION

Reports.
46 USC app.
1241m.

"SEC. 901i. (a) Each department, agency, and instrumentality of the United States, including independent agencies, shall furnish to the Commission, upon request made by the Chairman, such statistical data, reports, and other information as the Commission considers necessary to carry out its functions.

"(b) The Secretary of Agriculture and the Secretary of Transportation shall make available to the Commission such staff, personnel, and administrative services as may reasonably be required to carry out the Commission's duties.

"COMPENSATION AND TRAVEL AND SUBSISTENCE EXPENSES OF COMMISSION MEMBERS

46 USC app.
1241n.

"SEC. 901j. Members of the Commission shall serve without compensation in addition to compensation they may otherwise be entitled to receive as employees of the United States or as Members of Congress, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

"DEFINITION OF UNITED STATES FLAG VESSEL ELIGIBLE TO CARRY CARGOES UNDER CERTAIN SECTIONS

46 USC app.
1241o.
Ante, pp. 1491-1493.

"SEC. 901k. A United States flag vessel eligible to carry cargoes under sections 901b through 901d means a vessel, as defined in section 3 of title 1, United States Code, that is necessary for national security purposes and, if more than 25 years old, is within five years of having been substantially rebuilt and certified by the Secretary of Transportation as having a useful life of at least five years after that rebuilding."

EFFECT ON OTHER LAWS

Prohibition.
46 USC app.
1241p.
5 USC 500 *et seq.*

SEC. 1143. This subtitle shall not be construed as modifying in any manner the provisions of section 4(b)(8) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)(8)) or chapter 5 of title 5, United States Code.

Subtitle D—Agricultural Imports

TRADE CONSULTATIONS

SEC. 1151. (a) The Secretary of Agriculture shall require consultation between the Administrator of the Foreign Agricultural Service and the heads of other appropriate agencies and offices of the Department of Agriculture, including the Administrator of the Animal and Plant Health Inspection Service, before relaxing or removing any restriction on the importation of any agricultural commodity or a product thereof into the United States. 7 USC 2275.

(b) The Secretary shall consult with the United States Trade Representative before relaxing or removing any restriction on the importation of any agricultural commodity or a product thereof into the United States.

APRICOT STUDY

SEC. 1152. (a) The Secretary of Agriculture, in conjunction with the United States Trade Representative, not later than 120 days after the date of enactment of this Act, shall complete a study to determine—

(1) the effect of apricot imports into the United States on the domestic apricot industry; and

(2) the extent and nature of apricot subsidies existing in the countries from which such apricot imports are derived.

(b) The Secretary shall report the results of the study conducted under subsection (a), as soon as the study is completed, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. Report.

STUDY RELATING TO BRAZILIAN ETHANOL IMPORTS

SEC. 1155. The Secretary of Agriculture shall conduct a study to determine the impact that the import of Brazilian ethanol has on the domestic price of corn and other grains and the domestic ethanol refining industry. The Secretary of Agriculture shall also, in consultation with the International Trade Commission and the United States Trade Representative, determine what relief should be granted because of the interference of subsidized Brazilian ethanol with the domestic ethanol industry. Not later than 60 days after the enactment of this Act, the Secretary shall report the results of such study to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate. Report.

STUDY OF OAT IMPORTS

SEC. 1156. (a) The Secretary of Agriculture shall conduct a study of the impact of domestic farm programs of the increased importation of oats into the United States.

(b) By no later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Congress a report on the study conducted under subsection (a). Report.

Subtitle E—Trade Practices

TOBACCO PESTICIDE RESIDUES

SEC. 1161. (a) Section 213 of the Dairy and Tobacco Adjustment Act of 1983 (7 U.S.C. 511r) is amended by adding at the end thereof the following new subsection:

“(e) Notwithstanding any other provision of law:

“(1)(A) All flue-cured or burley tobacco offered for importation into the United States shall be accompanied by a certification by the importer, in such form as the Secretary of Agriculture shall prescribe, that the tobacco does not contain any prohibited residue of any pesticide that has been cancelled, suspended, revoked, or otherwise prohibited under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.). Any flue-cured or burley tobacco that is not accompanied by such certification shall be inspected by the Secretary at the point of entry to determine whether that tobacco meets the pesticide residue requirements. Subsection (d) of this section shall apply with respect to fees and charges imposed to cover the costs of such inspection.

7 USC 136 note.

“(B) Any tobacco that is determined by the Secretary not to meet the pesticide residue requirements shall not be permitted entry into the United States.

“(C) The customs fraud provisions under section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592), and criminal fraud provisions under section 1001 of title 18, United States Code, shall apply with respect to the certification requirement in subparagraph (A).

Regulation.

“(2) The Secretary shall by regulation provide for pesticide residue standards with respect to pesticides that are cancelled, suspended, revoked, or otherwise prohibited under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.), that shall apply to flue-cured and burley tobacco, whether domestically produced or imported.

“(3) The Secretary, to such extent and at such times as the Secretary determines appropriate, shall sample and test flue-cured and burley tobacco offered for importation or for sale in the United States to determine whether it conforms with the pesticide residue requirements. The Secretary shall by regulation impose fees and charges for such inspections.

Regulation.

“(4) If the Secretary determines, as a result of tests conducted under paragraph (3), that certain flue-cured or burley tobacco offered for importation does not meet the requirements of this subsection, then such tobacco shall not be permitted entry into the United States.

“(5)(A) Subject to subparagraph (B), if the Secretary determines that domestically produced Flue-cured or Burley tobacco does not meet the requirements of this section, such tobacco may not be moved in commerce among the States and shall be destroyed by the Secretary.

“(B) This paragraph shall apply only to tobacco produced after the date of enactment of this provision that receives price support under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).”

(b) The second sentence of section 213(d) of such Act is amended by inserting “and subsection (e)” after “subsection (a)(1)”. 7 USC 511r.

ASSESSMENT OF EXPORT DISPLACEMENT

SEC. 1162. (a) The Secretary of Agriculture shall assess each program, project, or activity administered by the Secretary or the Department of Agriculture that— 7 USC 1736z.

(1) provides assistance for establishing, expanding, or facilitating the production, marketing, or use of any agricultural commodity in a foreign country; and

(2) the Secretary determines is likely to have a detrimental impact on efforts to promote the export of United States agricultural commodities;

in order to determine if such program, project, or activity is likely to have such a detrimental impact.

(b) The Secretary shall provide the results of the assessment required under subsection (a)—

(1) in the case of current programs, projects, or activities, in a report made to the Congress not later than one year from the date of enactment of this section; and

(2) in the case of programs, projects, or activities undertaken after the date of enactment of this section, on a regular basis.

EXPORT SALES OF DAIRY PRODUCTS

SEC. 1163. (a) In each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, the Secretary of Agriculture shall sell for export, at such prices as the Secretary determines appropriate, not less than 150,000 metric tons of dairy products owned by the Commodity Credit Corporation, of which not less than 100,000 metric tons shall be butter and not less than 20,000 metric tons shall be cheese, if that disposition of such commodities will not interfere with the usual marketings of the United States nor disrupt world prices of agricultural commodities and normal patterns of commercial trade. Commerce and trade.
7 USC 1731 note.

(b) Such sales shall be made through the Commodity Credit Corporation under existing authority available to the Secretary or the Commodity Credit Corporation.

(c) Through September 30, 1988, the Secretary shall report semi-annually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the volume of sales made under this section.

UNFAIR TRADE PRACTICES

SEC. 1164. The Congress finds that—

(1) United States producers and processors of citrus, wheat flour, poultry, canned fruits, and raisins have filed petitions under section 302 of the Trade Act of 1974 alleging that the subsidies and discriminatory tariffs of the European Communities are inconsistent with the principles and terms of the General Agreement on Tariffs and Trade (hereafter referred to in this section as the “GATT”) and have placed United States exporters at a competitive disadvantage; 98 Stat. 3003.

(2) throughout the past decade, the European Communities has repeatedly rebuffed extensive United States efforts to re- 19 USC 2412.

solve these matters through bilateral consultations and multilateral negotiations, as well as through consultations under the provisions of the GATT;

(3) after many years of frustrated discussions, the United States had no choice but to invoke the dispute settlement procedures of the GATT as the only remaining means of seeking redress for American producers and processors;

(4) investigatory panels, established by the GATT to review United States complaints with respect to citrus, canned fruits, and raisins, concluded that European Communities subsidies and discriminatory tariffs had nullified and impaired rights of United States exporters and were in violation of the GATT and recommended that the European Communities take necessary steps to rectify the matters;

(5) the European Communities has effectively and repeatedly prevented adoption by the GATT of each of these reports, most recently, the favorable report involving the 15-year-old citrus complaint;

(6) on May 1, 1985, the President concluded that the GATT dispute settlement process with respect to the citrus complaint was terminated and, pursuant to section 301 of the Trade Act of 1974, the President had to consider a subsequent course of action to redress the injury to United States citrus exporters;

(7) on June 20, 1985, the President announced that a reasonable and appropriate course of action in response to the unwillingness of the European Communities to implement the unanimous finding of the GATT panel or to negotiate a mutually acceptable resolution of the citrus complaint is to withdraw an equivalent amount of concessions from imported European Communities pasta products and, in response, the European Communities notified the United States that the European Communities would retaliate by increasing the European Communities duties on United States lemon and walnut imports;

(8) on July 19, 1985, the United States and the European Communities agreed to suspend until October 31, 1985, the tariff increases, in order to provide the European Communities with additional time to resolve the citrus complaint; and

(9) despite this suspension, the European Communities has failed to present to the United States an acceptable proposal to resolve the citrus complaint, and effective November 1, 1985, the United States reinstated the pasta tariff increase, and in turn, the European Communities reinstated the lemon and walnut tariff increase.

(b) The President shall take all appropriate and feasible action within the power of the Presidency (including, but not limited to, the actions described in section 301 of the Trade Act of 1974 (19 U.S.C. 2411)) to—

(1) ensure a prompt and satisfactory resolution of all complaints regarding subsidies and discriminatory tariffs of the European Communities which—

(A) are set forth in petitions filed under section 302 of the Trade Act of 1974 by United States exporters of citrus, wheat flour, poultry, canned fruits, and raisins, and

(B) are pending before the GATT on the date of enactment of this Act; and

98 Stat. 3002,
3003, 3005.
19 USC 2411.

Effective date.

98 Stat. 3003.
19 USC 2412.

(2) balance the level of concessions in the trade between the United States and the European Communities.

Commerce and
trade.

THAI RICE

SEC. 1165. (a) Congress finds that—

(1) Rice ranks 9th among major domestic field crops in value of production;

(2) Rice accounts for about 5 percent of the value of major field crops produced in the United States;

(3) The value of domestic rice production annually is over \$1,500,000,000;

(4) Ending stocks for rice have sharply increased since 1980;

(5) The projected 1985-1986 carryover of rice as a percentage of annual use is 62 percent;

(6) Between 1980 and 1983, rice stocks rose and prices fell, pushing rice program costs from less than one-tenth to over nine-tenths of the value of United States rice production;

(7) Over the last several years, the percentage of world rice exports from the United States has fallen from a high of 25 percent to 18 percent in 1985;

(8) In the last several years, Thailand has become the largest rice exporter in the world, accounting for 30 percent of the world market;

(9) Thai rice imports into the United States have displaced normal sales of United States rice and have increased Government costs;

(10) In 1983, the United States imported 33.2 million pounds of rice from Thailand, in 1984 the United States imported 51.3 million pounds of rice (an increase of 53 percent), and in the first six months of 1985, rice imports from Thailand to the United States have already reached 58.3 million pounds; and

(11) A petition has been filed with the Department of Commerce asking that countervailing duties be imposed upon imports of Thai rice into the United States.

(b) Based upon these findings, it is the sense of Congress that—

(1) our domestic rice industry is of vital importance and must be protected from unfair foreign competition; and

(2) the Secretary of Commerce should give immediate consideration to the countervailing duty petition referred to in subsection (a)(11).

END USERS OF IMPORTED TOBACCO

SEC. 1166. Section 213 of the Dairy and Tobacco Adjustment Act of 1983 (7 U.S.C. 511r) is amended by adding after the subsection added by section 1161 of this Act the following:

“(f)(1) The certification required under subsection (e)(1) of this section shall also include the identification of any and all end users of such tobacco of which the importer has knowledge. Any flue cured or burley tobacco permitted entry into the United States must be accompanied by a written identification of any and all end users of such tobacco. In cases in which the importer has no knowledge of the identity of an end user, the importer shall identify any and all purchasers to whom the importer expects to transfer such imported tobacco. The importer shall file with the Department of Agriculture an amended statement if, at any time after the time of entry of such tobacco imports, the importer has knowledge of any additional

purchaser or end user. In those cases in which the importer has not identified all end users of such imported tobacco, the Secretary of Agriculture shall take all steps available to ascertain the identity of any and all such end users, including requesting such information from purchasers of such imported tobacco. Domestic purchasers of imported tobacco shall be required to supply any relevant information to the Department of Agriculture upon demand under this subsection.

Report.

“(2) The Secretary shall provide to the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture, on or before April 1, 1986, a report on the implementation of this authority to identify each end user and purchaser of imported tobacco. Such report shall identify the end users and purchasers of imported tobacco and the quantity, in pounds, bought by such end user or purchaser, as well as all steps taken by the Department of Agriculture to ascertain such identities. The Secretary shall provide an additional report, beginning November 15, 1986, and annual reports thereafter, on the implementation of this authority.

Reports.

“(3) As used in this subsection, the term ‘end user of imported tobacco’ means—

“(A) a domestic manufacturer of cigarettes or other tobacco products;

“(B) an entity that mixes, blends, processes, alters in any manner, or stores, imported tobacco for export; and

“(C) any other individual that the Secretary may identify as making use of imported tobacco for the production of tobacco products.”.

BARTER OF AGRICULTURAL COMMODITIES FOR STRATEGIC AND CRITICAL MATERIALS

SEC. 1167. (a) Congress finds that—

(1) the Commodity Credit Corporation, the General Services Administration, and the Department of Agriculture have authority to barter or exchange agricultural commodities for strategic and critical materials for the national defense stockpile;

(2) from 1950 to 1973, the Department of Agriculture conducted a highly successful barter program using agricultural commodities to acquire strategic and critical materials;

(3) private commercial firms in the United States have entered into effective barter agreements with foreign governments or private parties in foreign countries to barter or exchange commodities and services to supplement customary commercial transactions in international markets;

(4) barter can be an effective secondary method of reducing excess supplies of agricultural commodities and adding needed strategic and critical materials to the national defense stockpile;

(5) barter can be used to help overcome certain currency exchange and balance-of-trade problems and to develop new markets for United States agricultural products;

(6) barter can be used to promote United States foreign policy interests; and

(7) several nations are potential partners in a revival of a coherent and well-managed government barter program.

Defense and
national
security.
7 USC 1727g
note.

Defense and
national
security.

(b) Section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)) is amended—

(1) in the fourth sentence—

(A) by striking out “is authorized,” and inserting in lieu thereof “shall, to the maximum extent practicable, in consultation with the Secretary of State, and”; and

(B) by striking out “to”;

(2) in the fifth sentence, by striking out “normal commercial trade channels shall be utilized and priority shall be given” and inserting in lieu thereof “the Secretary shall: (1) use normal commercial trade channels; (2) take action to avoid displacing usual marketings of United States agricultural commodities and the products thereof; (3) take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic use in the importing country, of agricultural commodities used for such exchange; and (4) give priority”;

Commerce and trade.

(3) by inserting after the fifth sentence the following new sentence: “The Corporation may solicit bids from, and utilize, private trading firms to effect such exchange of goods.”;

(4) in the eighth sentence (as amended by clause (3)), by striking out “when” and inserting in lieu thereof “in the same fiscal year such materials are”; and

(5) by inserting after the eighth sentence (as amended by clause (3)) the following new sentence: “If the volume of petroleum products (including crude oil) stored in the Strategic Petroleum Reserve is less than the level prescribed under section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6234), the Corporation shall, to the maximum extent practicable and with the approval of the Secretary of Agriculture, make available annually to the Secretary of Energy, upon the request of the Secretary of Energy, a quantity of agricultural products owned by the Corporation with a market value at the time of such request of at least \$300,000,000 for use by the Secretary of Energy in acquiring petroleum products (including crude oil) produced abroad for placement in the Strategic Petroleum Reserve through an exchange of such agricultural products. The terms and conditions of each such exchange, including provisions for full reimbursement to the Commodity Credit Corporation, shall be determined by the Secretary of Energy and the Secretary of Agriculture.”.

Petroleum and petroleum products.

(c) Section 310 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727g) is amended by inserting after the second sentence the following new sentence: “To the maximum extent practicable, the Secretary shall solicit bids from, and utilize, private trading firms to arrange or make barter exchanges for strategic or other materials under clause (a).”.

(d)(1) The Secretary of Agriculture shall encourage United States exporters of agricultural commodities and the products thereof to barter such commodities and products for foreign products needed by such exporters.

7 USC 1736aa.

(2) The Secretary shall provide technical advice and assistance relating to the barter of agricultural commodities and the products thereof to any United States exporter who requests such advice or assistance.

TITLE XII—CONSERVATION

SUBTITLE A—DEFINITIONS

DEFINITIONS

Post, pp. 1506–
1514.
16 USC 3801.

SEC. 1201. (a) For purposes of subtitles A through E:

(1) The term “agricultural commodity” means—

(A) any agricultural commodity planted and produced in a State by annual tilling of the soil, including tilling by one-trip planters; or

(B) sugarcane planted and produced in a State.

(2) The term “conservation district” means any district or unit of State or local government formed under State or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such district or unit of government may be referred to as a “conservation district”, “soil conservation district”, “soil and water conservation district”, “resource conservation district”, “natural resource district”, “land conservation committee”, or a similar name.

(3) The term “cost sharing payment” means a payment made by the Secretary to an owner or operator of a farm or ranch containing highly erodible cropland under the provisions of section 1234 (b) of this Act.

(4)(A) The term “converted wetland” means wetland that has been drained, dredged, filled, leveled, or otherwise manipulated (including any activity that results in impairing or reducing the flow, circulation, or reach of water) for the purpose or to have the effect of making the production of an agricultural commodity possible if—

(i) such production would not have been possible but for such action; and

(ii) before such action—

(I) such land was wetland; and

(II) such land was neither highly erodible land nor highly erodible cropland.

Prohibition.

(B) Wetland shall not be considered converted wetland if production of an agricultural commodity on such land during a crop year—

(i) is possible as a result of a natural condition, such as drought; and

(ii) is not assisted by an action of the producer that destroys natural wetland characteristics.

(5) The term “field” means such term as is defined in section 718.2(b)(9) of title 7 of the Code of Federal Regulations (as of January 1, 1985), except that any highly erodible land on which an agricultural commodity is produced after the date of enactment of this Act and that is not exempt under section 1212 shall be considered as part of the field in which such land was included on such date, unless the Secretary permits modification of the boundaries of the field to carry out subtitles A through E.

Post, p. 1506.

(6) The term “highly erodible cropland” means highly erodible land that is in cropland use, as determined by the Secretary.

(7)(A) The term “highly erodible land” means land—

(i) that is classified by the Soil Conservation Service as class IV, VI, VII, or VIII land under the land capability classification system in effect on the date of the enactment of this Act; or

(ii) that has, or that if used to produce an agricultural commodity, would have an excessive average annual rate of erosion in relation to the soil loss tolerance level, as established by the Secretary, and as determined by the Secretary through application of factors from the universal soil loss equation and the wind erosion equation, including factors for climate, soil erodibility, and field slope.

(B) For purposes of this paragraph, the land capability class or rate of erosion for a field shall be that determined by the Secretary to be the predominant class or rate of erosion under regulations issued by the Secretary.

Regulations.

(8) The term "hydric soil" means soil that, in its undrained condition, is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(9) The term "hydrophytic vegetation" means a plant growing in—

(A) water; or

(B) a substrate that is at least periodically deficient in oxygen during a growing season as a result of excessive water content.

(10) The term "in-kind commodities" means commodities that are normally produced on land that is the subject of an agreement entered into under subtitle D.

Post, p. 1509.

(11) The term "rental payment" means a payment made by the Secretary to an owner or operator of a farm or ranch containing highly erodible cropland to compensate the owner or operator for retiring such land from crop production and placing such land in the conservation reserve in accordance with subtitle D.

(12) The term "Secretary" means the Secretary of Agriculture.

(13) The term "shelterbelt" means a vegetative barrier with a linear configuration composed of trees, shrubs, and other approved perennial vegetation.

(14) The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(15) The term "vegetative cover" means—

(A) perennial grasses, legumes, forbs, or shrubs with an expected life span of 5 or more years; or

(B) trees.

(16) The term "wetland", except when such term is part of the term "converted wetland", means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(b) The Secretary shall develop—

- (1) criteria for the identification of hydric soils and hydrophytic vegetation; and
- (2) lists of such soils and such vegetation.

SUBTITLE B—HIGHLY ERODIBLE LAND CONSERVATION

PROGRAM INELIGIBILITY

16 USC 3811.
Infra.

SEC. 1211. Except as provided in section 1212, and notwithstanding any other provision of law, following the date of enactment of this Act, any person who in any crop year produces an agricultural commodity on a field on which highly erodible land is predominate shall be ineligible for—

- (1) as to any commodity produced during that crop year by such person—

(A) any type of price support or payment made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

Loans.

(B) a farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

Ante, p. 1503.

(C) crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

Disaster assistance.

(D) a disaster payment made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

Loans.

(E) a loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration, if the Secretary determines that the proceeds of such loan will be used for a purpose that will contribute to excessive erosion of highly erodible land; or

- (2) a payment made under section 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b or 714c) during such crop year for the storage of an agricultural commodity acquired by the Commodity Credit Corporation.

EXEMPTIONS

Prohibitions.
Loans.
16 USC 3812.

SEC. 1212. (a)(1) During the period beginning on the date of the enactment of this Act and ending on the later of January 1, 1990, or the date that is 2 years after the date land on which a crop of an agricultural commodity is produced was mapped by the Soil Conservation Service for purposes of classifying such land under the land capability classification system in effect on the date of enactment of this Act, except as provided in paragraph (2), no person shall become ineligible under section 1211 for program loans, payments, and benefits as the result of the production of a crop of an agricultural commodity on any land that was—

Supra.

(A) cultivated to produce any of the 1981 through 1985 crops of an agricultural commodity; or

(B) set aside, diverted or otherwise not cultivated under a program administered by the Secretary for any such crops to reduce production of an agricultural commodity.

- (2) If, as of January 1, 1990, or 2 years after the Soil Conservation Service has completed a soil survey for the farm, whichever is later,

a person is actively applying a conservation plan based on the local Soil Conservation Service technical guide and approved by the local soil conservation district, in consultation with the local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) and the Secretary, or by the Secretary, such person shall have until January 1, 1995, to comply with the plan without being subject to program ineligibility.

(b) No person shall become ineligible under section 1211 for program loans, payments, and benefits as the result of the production of a crop of an agricultural commodity—

Ante, p. 1506.

- (1) planted before the date of enactment of this Act;
- (2) planted during any crop year beginning before the date of enactment of this Act;
- (3) on highly erodible land in an area—

(A) within a conservation district, under a conservation system that has been approved by a conservation district after the district has determined that the conservation system is in conformity with technical standards set forth in the Soil Conservation Service technical guide for such district; or

(B) not within a conservation district, under a conservation system determined by the Secretary to be adequate for the production of such agricultural commodity on any highly erodible land subject to this title; or

(4) on highly erodible land that is planted in reliance on a determination by the Soil Conservation Service that such land was not highly erodible land, except that this paragraph shall not apply to any agricultural commodity that was planted on any land after the Soil Conservation Service determines that such land is highly erodible land.

(c) Section 1211 shall not apply to a loan described in section 1211 made before the date of enactment of this Act.

SOIL SURVEYS

SEC. 1213. The Secretary shall, as soon as is practicable after the date of enactment of this Act, complete soil surveys on those private lands that do not have a soil survey suitable for use in determining the land capability class for purposes of this subtitle. In carrying out this section, the Secretary shall, insofar as possible, concentrate on those localities where significant amounts of highly erodible land are being converted to the production of agricultural commodities.

16 USC 3813.

Subtitle C—Wetland Conservation

PROGRAM INELIGIBILITY

SEC. 1221. Except as provided in section 1222 and notwithstanding any other provision of law, following the date of enactment of this Act, any person who in any crop year produces an agricultural commodity on converted wetland shall be ineligible for—

16 USC 3821.
Post, p. 1508.

(1) as to any commodity produced during that crop year by such person—

(A) any type of price support or payment made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

Loans.

Ante, p. 1508.Disaster
assistance.

Loans.

(B) a farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(C) crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(D) a disaster payment made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(E) a loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration, if the Secretary determines that the proceeds of such loan will be used for a purpose that will contribute to conversion of wetlands (other than as provided in this subtitle) to produce an agricultural commodity; or

(2) a payment made under section 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b or 714c) during such crop year for the storage of an agricultural commodity acquired by the Commodity Credit Corporation.

EXEMPTIONS

Prohibitions.

Loans.

Ante, p. 1507.
16 USC 3822.

Livestock.

Fish and fishing.
Flood control.

SEC. 1222. (a) No person shall become ineligible under section 1221 for program loans, payments, and benefits as the result of the production of a crop of an agricultural commodity on—

(1) converted wetland if the conversion of such wetland was commenced before the date of enactment of this Act;

(2) an artificial lake, pond, or wetland created by excavating or diking non-wetland to collect and retain water for purposes such as water for livestock, fish production, irrigation (including subsurface irrigation), a settling basin, cooling, rice production, or flood control;

(3) a wet area created by a water delivery system, irrigation, irrigation system, or application of water for irrigation; or

(4) wetland on which production of an agricultural commodity is possible as a result of a natural condition, such as drought, and without action by the producer that destroys a natural wetland characteristic.

(b) Section 1221 shall not apply to a loan described in section 1221 made before the date of enactment of this Act.

(c) The Secretary may exempt a person from section 1221 for any action associated with the production of an agricultural commodity on converted wetland if the effect of such action, individually and in connection with all other similar actions authorized by the Secretary in the area, on the hydrological and biological aspect of wetland is minimal.

CONSULTATION WITH SECRETARY OF THE INTERIOR

16 USC 3823.

SEC. 1223. The Secretary shall consult with the Secretary of the Interior on such determinations and actions as are necessary to carry out this subtitle, including—

(1) the identification of wetland;

(2) the determination of exemptions under section 1222; and

(3) the issuance of regulations under section 1244 to carry out this subtitle.

Regulations.
Post, p. 1515.

Subtitle D—Conservation Reserve

CONSERVATION RESERVE

SEC. 1231. (a) During the 1986 through 1990 crop years, the Secretary shall formulate and carry out a conservation reserve program, in accordance with this subtitle, through contracts to assist owners and operators of highly erodible cropland in conserving and improving the soil and water resources of their farms or ranches.

Contracts.
16 USC 3831.

(b) The Secretary shall enter into contracts with owners and operators of farms and ranches containing highly erodible cropland to place in the conservation reserve—

(1) during the 1986 crop year, not less than 5, nor more than 45, million acres;

(2) during the 1986 through 1987 crop years, a total of not less than 15, nor more than 45, million acres;

(3) during the 1986 through 1988 crop years, a total of not less than 25, nor more than 45, million acres;

(4) during the 1986 through 1989 crop years, a total of not less than 35, nor more than 45, million acres; and

(5) during the 1986 through 1990 crop years, a total of not less than 40, nor more than 45, million acres.

(c)(1)(A) Notwithstanding subsection (b), effective for each of the fiscal years 1986 through 1989, the Secretary may reduce by up to 25 percent the number of acres of highly erodible land required to be placed under contract during each fiscal year if the Secretary determines that the rental payments to be made under section 1233(b) on such acres are likely to be significantly lower in the succeeding year.

Post, p. 1511.

(B) Paragraph (A) shall not affect the requirements of paragraph (5) of subsection (b).

Prohibition.

(2) The Secretary may include in the program established under this subtitle lands that are not highly erodible lands but that pose an off-farm environmental threat or, if permitted to remain in production, pose a threat of continued degradation of productivity due to soil salinity.

(d) Under the program established under this subtitle, the Secretary shall not place under contract more than 25 percent of the cropland in any one county, except that the Secretary may exceed the limitation established by this subsection in a county to the extent that the Secretary determines that such action would not adversely affect the local economy of such county.

Prohibition.

(e) For the purpose of carrying out this subtitle, the Secretary shall enter into contracts of not less than 10, nor more than 15, years.

DUTIES OF OWNERS AND OPERATORS

SEC. 1232. (a) Under the terms of a contract entered into under this subtitle, during the term of such contract, an owner or operator of a farm or ranch must agree—

Contracts.
16 USC 3832.

(1) to implement a plan approved by the local conservation district (or in an area not located within a conservation district, a plan approved by the Secretary) for converting highly erodible cropland normally devoted to the production of an agricultural commodity on the farm or ranch to a less intensive use (as defined by the Secretary), such as pasture, permanent grass,

legumes, forbs, shrubs, or trees, substantially in accordance with a schedule outlined in the plan;

(2) to place highly erodible cropland subject to the contract in the conservation reserve established under this subtitle;

(3) not to use such land for agricultural purposes, except as permitted by the Secretary;

(4) to establish approved vegetative cover on such land;

(5) on the violation of a term or condition of the contract at any time the owner or operator has control of such land—

(A) to forfeit all rights to receive rental payments and cost sharing payments under the contract and to refund to the Secretary any rental payments and cost sharing payments received by the owner or operator under the contract, together with interest thereon as determined by the Secretary, if the Secretary, after considering the recommendations of the soil conservation district and the Soil Conservation Service, determines that such violation is of such nature as to warrant termination of the contract; or

(B) to refund to the Secretary, or accept adjustments to, the rental payments and cost sharing payments provided to the owner or operator, as the Secretary considers appropriate, if the Secretary determines that such violation does not warrant termination of the contract;

(6) on the transfer of the right and interest of the owner or operator in land subject to the contract—

(A) to forfeit all rights to rental payments and cost sharing payments under the contract; and

(B) to refund to the United States all rental payments and cost sharing payments received by the owner or operator, or accept such payment adjustments or make such refunds as the Secretary considers appropriate and consistent with the objectives of this subtitle,

unless the transferee of such land agrees with the Secretary to assume all obligations of the contract;

(7) not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, except that the Secretary may permit harvesting or grazing or other commercial use of the forage on land that is subject to the contract in response to a drought or other similar emergency;

(8) not to conduct any planting of trees on land that is subject to the contract unless the contract specifies that the harvesting and commercial sale of trees such as Christmas trees are prohibited, nor otherwise make commercial use of trees on land that is subject to the contract unless it is expressly permitted in the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, except that no contract shall prohibit activities consistent with customary forestry practice, such as pruning, thinning, or stand improvement of trees, on lands converted to forestry use;

(9) not to adopt any practice specified by the Secretary in the contract as a practice that would tend to defeat the purposes of this subtitle; and

Prohibition.
Forests and
forest products.

- (10) to comply with such additional provisions as the Secretary determines are desirable and are included in the contract to carry out this subtitle or to facilitate the practical administration thereof.
- (b) The plan referred to in subsection (a)(1)—
- (1) shall set forth—
 - (A) the conservation measures and practices to be carried out by the owner or operator during the term of the contract; and
 - (B) the commercial use, if any, to be permitted on the land during such term; and
 - (2) may provide for the permanent retirement of any existing cropland base and allotment history for the land.
- (c) To the extent practicable, not less than one eighth of the number of acres of land that is placed in the conservation reserve under this subtitle in each of the 1986 through 1990 crop years shall be devoted to trees.

DUTIES OF THE SECRETARY

SEC. 1233. In return for a contract entered into by an owner or operator under section 1232, the Secretary shall—

Contracts.
16 USC 3833.
Ante, p. 1509.

- (1) share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest;
- (2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for—
 - (A) the conversion of highly erodible cropland normally devoted to the production of an agricultural commodity on a farm or ranch to a less intensive use; and
 - (B) the retirement of any cropland base and allotment history that the owner or operator agrees to retire permanently; and
- (3) provide conservation technical assistance to assist the owner or operator in carrying out the contract.

PAYMENTS

SEC. 1234. (a) The Secretary shall provide payment for obligations incurred by the Secretary under a contract entered into under this subtitle—

Contracts.
16 USC 3834.

- (1) with respect to any cost-sharing payment obligation incurred by the Secretary, as soon as possible after the obligation is incurred; and
 - (2) with respect to any annual rental payment obligation incurred by the Secretary—
 - (A) as soon as practicable after October 1 of each calendar year; or
 - (B) at the discretion of the Secretary, at any time prior to such date during the year that the obligation is incurred.
- (b) In making cost sharing payments to owners and operators under contracts entered into under this subtitle, the Secretary shall pay 50 percent of the cost of establishing conservation measures and practices set forth in such contracts for which the Secretary determines that cost-sharing is appropriate and in the public interest.

(c)(1) In determining the amount of annual rental payments to be paid to owners and operators for converting highly erodible cropland normally devoted to the production of an agricultural commodity to less intensive use, the Secretary may consider, among other things, the amount necessary to encourage owners or operators of highly erodible cropland to participate in the program established by this subtitle.

(2) The amounts payable to owners or operators in the form of rental payments under contracts entered into under this subtitle may be determined through—

(A) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or

(B) such other means as the Secretary determines are appropriate.

(3) In determining the acceptability of contract offers, the Secretary may—

(A) take into consideration the extent of erosion on the land that is the subject of the contract and the productivity of the acreage diverted;

(B) where appropriate, accept contract offers that provide for the establishment of—

(i) shelterbelts and windbreaks; or

(ii) permanently vegetated stream borders, filter strips of permanent grass, forbs, shrubs, and trees that will reduce sedimentation substantially;

(C) establish different criteria in various States and regions of the United States to determine the extent to which erosion may be abated; and

(D) give priority to offers made by owners and operators who are subject to the highest degree of economic stress, such as a general tightening of agricultural credit or an unfavorable relationship between production costs and prices received for agricultural commodities.

(d)(1) Except as otherwise provided in this section, payments under this subtitle—

(A) shall be made in cash or in commodities in such amount and on such time schedule as is agreed on and specified in the contract; and

(B) may be made in advance of determination of performance.

(2) If such payment is made with in-kind commodities, such payment shall be made by the Commodity Credit Corporation—

(A) by delivery of the commodity involved to the owner or operator at a warehouse or other similar facility located in the county in which the highly erodible cropland is located or at such other location as is agreed to by the Secretary and the owner or operator;

(B) by the transfer of negotiable warehouse receipts; or

(C) by such other method, including the sale of the commodity in commercial markets, as is determined by the Secretary to be appropriate to enable the owner or operator to receive efficient and expeditious possession of the commodity.

(3) If stocks of a commodity acquired by the Commodity Credit Corporation are not readily available to make full payment in kind to the owner or operator, the Secretary may substitute full or partial payment in cash for payment in kind.

(e) If an owner or operator who is entitled to a payment under a contract entered into under this subtitle dies, becomes incompetent,

is otherwise unable to receive such payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

(f)(1) The total amount of rental payments, including rental payments made in the form of in-kind commodities, made to an owner or operator under this subtitle for any fiscal year may not exceed \$50,000.

Prohibition.

(2)(A) The Secretary shall issue regulations—

Regulations.

(i) defining the term “person” as used in this subsection; and

(ii) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation contained in this subsection.

(B) The regulations issued by the Secretary on December 18, 1970, under section 101 of the Agricultural Act of 1970 (7 U.S.C. 1307), shall be used to determine whether corporations and their stockholders may be considered as separate persons under this subsection.

(3) Rental payments received by an owner or operator shall be in addition to, and not affect, the total amount of payments that such owner or operator is otherwise eligible to receive under this Act or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

CONTRACTS

SEC. 1235. (a)(1) No contract shall be entered into under this subtitle concerning land with respect to which the ownership has changed in the 3-year period preceding the first year of the contract period unless—

Prohibition.
16 USC 3835.

(A) the new ownership was acquired by will or succession as a result of the death of the previous owner;

(B) the new ownership was acquired before January 1, 1985;

or

(C) the Secretary determines that the land was acquired under circumstances that give adequate assurance that such land was not acquired for the purpose of placing it in the program established by this subtitle.

(2) Paragraph (1) shall not—

Prohibitions.

(A) prohibit the continuation of an agreement by a new owner after an agreement has been entered into under this subtitle; or

(B) require a person to own the land as a condition of eligibility for entering into the contract if the person—

(i) has operated the land to be covered by a contract under this section for at least 3 years preceding the date of the contract or since January 1, 1985, whichever is later; and

(ii) controls the land for the contract period.

(b) If during the term of a contract entered into under this subtitle an owner or operator of land subject to such contract sells or otherwise transfers the ownership or right of occupancy of such land, the new owner or operator of such land may—

(1) continue such contract under the same terms or conditions;

(2) enter into a new contract in accordance with this subtitle;

or

(3) elect not to participate in the program established by this subtitle.

(c)(1) The Secretary may modify a contract entered into with an owner or operator under this subtitle if—

(A) the owner or operator agrees to such modification; and

(B) the Secretary determines that such modification is desirable—

(i) to carry out this subtitle;

(ii) to facilitate the practical administration of this subtitle; or

(iii) to achieve such other goals as the Secretary determines are appropriate, consistent with this subtitle.

(2) The Secretary may modify or waive a term or condition of a contract entered into under this subtitle in order to permit all or part of the land subject to such contract to be devoted to the production of an agricultural commodity during a crop year, subject to such conditions as the Secretary determines are appropriate.

(d)(1) The Secretary may terminate a contract entered into with an owner or operator under this subtitle if—

(A) the owner or operator agrees to such termination; and

(B) the Secretary determines that such termination would be in the public interest.

(2) At least 90 days before taking any action to terminate under paragraph (1) all conservation reserve contracts entered into under this subtitle, the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

BASE HISTORY

16 USC 3836.

SEC. 1236. (a) A reduction, based on a ratio between the total cropland acreage on the farm and the acreage placed in the conservation reserve authorized by this subtitle, as determined by the Secretary, shall be made during the period of the contract, in the aggregate, in crop bases, quotas, and allotments on the farm with respect to crops for which there is a production adjustment program.

Regulations.

Contracts.

Ante, pp. 1506, 1507.

(b) Notwithstanding sections 1211 and 1221, the Secretary, by appropriate regulation, may provide for preservation of cropland base and allotment history applicable to acreage converted from the production of agricultural commodities under this section, for the purpose of any Federal program under which the history is used as a basis for participation in the program or for an allotment or other limitation in the program, unless the owner and operator agree under the contract to retire permanently that cropland base and allotment history.

Subtitle E—Administration

USE OF COMMODITY CREDIT CORPORATION

16 USC 3841.

SEC. 1241. (a)(1) During each of the fiscal years ending September 30, 1986, and September 30, 1987, the Secretary shall use the facilities, services, authorities, and funds of the Commodity Credit Corporation to carry out subtitle D.

Ante, p. 1509.

Prohibition.

(2) During the fiscal year ending September 30, 1988, and each fiscal year thereafter, the Secretary may use the facilities, services, authorities, and funds of the Commodity Credit Corporation to carry out subtitle D, except that the Secretary may not use funds of the

Corporation for such purpose unless the Corporation has received funds to cover such expenditures from appropriations made to carry out this subtitle.

(b) The authority provided by subtitles (A) through (E) shall be in addition to, and not in place of, other authority granted to the Secretary and the Commodity Credit Corporation.

Ante, pp. 1504-1514.

USE OF OTHER AGENCIES

SEC. 1242. (a) In carrying out subtitles B, C, and D, the Secretary shall use the services of local, county, and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

16 USC 3842.
Ante, pp. 1506, 1507, 1509.

(b)(1) In carrying out subtitle D, the Secretary may utilize the services of the Soil Conservation Service and the Forest Service, the Fish and Wildlife Service, State forestry agencies, State fish and game agencies, land-grant colleges, local, county, and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h), soil and water conservation districts, and other appropriate agencies.

Schools and colleges.

(2) In carrying out subtitle D at the State and county levels, the Secretary shall consult with, to the extent practicable, the Fish and Wildlife Service, State forestry agencies, State fish and game agencies, land-grant colleges, soil-conservation districts, and other appropriate agencies.

Schools and colleges.

ADMINISTRATION

SEC. 1243. (a) The Secretary shall establish, by regulation, an appeal procedure under which a person who is adversely affected by any determination made under subtitles A through E may seek review of such determination.

Regulations.
16 USC 3843.

(b) Ineligibility under section 1211 or 1212 of a tenant or sharecropper for benefits shall not cause a landlord to be ineligible for benefits for which the landlord would otherwise be eligible with respect to commodities produced on lands other than those operated by the tenant or sharecropper.

Ante, p. 1506.

(c) In carrying out subtitles B through E, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the program established by subtitle D.

REGULATIONS

SEC. 1244. Not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as the Secretary determines are necessary to carry out subtitles A through E, including regulations that—

16 USC 3844.

- (1) define the term "person";
- (2) govern the determination of persons who shall be ineligible for program benefits under subtitles B and C, so as to ensure a fair and reasonable determination of ineligibility; and
- (3) protect the interests of landlords, tenants, and sharecroppers.

AUTHORIZATION FOR APPROPRIATIONS

16 USC 3845.

SEC. 1245. There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out subtitles A through E.

Ante, pp. 1504-1514.

Subtitle F—Other Conservation Provisions

TECHNICAL ASSISTANCE FOR WATER RESOURCES

State and local governments.
16 USC 2005a.

SEC. 1251. (a) Notwithstanding any other provision of law, the Secretary of Agriculture may formulate plans and provide technical assistance to property owners and agencies of State and local governments and interstate river basin commissions, at their request, to—

(1) protect the quality and quantity of subsurface water, including water in the Nation's aquifers;

(2) enable property owners to reduce their vulnerability to flood hazards that also may affect water resources; and

(3) control the salinity in the Nation's agricultural water resources.

Report.

(b) The Secretary shall submit by February 15, 1987, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the plans and technical assistance authorized in subsection (a). Such report shall include any recommendations as to whether the plan and assistance should be extended, how any plan and assistance could be improved, and any other relevant information and data relating to costs and other elements of the plan or assistance that would be helpful to such Committees.

Report.

SOIL AND WATER RESOURCES CONSERVATION

SEC. 1252. (a) Subsection (d) of section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004(b)) is amended to read as follows:

“(d) The Secretary shall conduct four comprehensive appraisals under this section, to be completed by December 31, 1979, December 31, 1986, December 31, 1995, and December 31, 2005, respectively. The Secretary may make such additional interim appraisals as the Secretary considers appropriate.”

16 USC 2005.

(b) Subsection (b) of section 6 of such Act (16 U.S.C. 2205(b)) is amended to read as follows:

“(b) The initial program shall be completed not later than December 31, 1979, and program updates shall be completed by December 31, 1987, December 31, 1997, and December 31, 2007, respectively.”

(c) Section 7 of such Act (16 U.S.C. 2006) is amended by—

(1) striking out subsection (a) and inserting in lieu thereof the following new subsection:

President of U.S.

“(a)(1) At the time Congress convenes in 1980, 1987, 1996, and 2006, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate the appraisal developed under section 5 and completed prior to the end of the previous year.

President of U.S.

“(2) At the time Congress convenes in 1980, 1988, 1998, and 2008, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate the initial program or updated program developed under section 6 and completed prior to

the end of the previous year, together with a detailed statement of policy regarding soil and water conservation activities of the United States Department of Agriculture.”;

(2) striking out subsection (b); and

(3) redesignating subsection (c) as subsection (b).

(d) Section 10 of such Act (16 U.S.C. 2009) is amended by striking out “1985” and inserting in lieu thereof “2008”.

DRY LAND FARMING

SEC. 1253. The first sentence of section 7(a) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(a)) is amended by—

(1) striking out “and” at the end of clause (5); and

(2) inserting before the period the following:

“, and (7) the promotion of energy and water conservation through dry land farming”.

SOFTWOOD TIMBER

SEC. 1254. Section 608 of the Agricultural Programs Adjustment Act of 1984 (7 U.S.C. 1981 note) is amended to read as follows: 98 Stat. 140.

“SOFTWOOD TIMBER

“SEC. 608. (a)(1) Notwithstanding any other provision of law, the Secretary of Agriculture (hereinafter in this section referred to as the ‘Secretary’) may implement a program, pursuant to the recommendations contained in the study mandated by section 608 of the Agricultural Programs Adjustment Act of 1984 (7 U.S.C. 1421 note), under which a distressed loan (as determined by the Secretary) made or insured under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), or a portion thereof, may be reamortized with the use of future revenue produced from the planting of softwood timber crops on marginal land (as determined by the Secretary) that—

Loans.

7 USC 1981 note.

“(A) was previously used to produce an agricultural commodity or as pasture; and

“(B) secures a loan made or insured under such Act.

“(2) Accrued interest on a loan reamortized under this section may be capitalized and interest charged on such interest.

“(3) All or a portion of the payments on such reamortized loan may be deferred until such softwood timber crop produces revenue or for a term of 45 years, whichever comes first.

“(4) Repayment of such reamortized loan shall be made not later than 50 years after the date of reamortization.

“(b) The interest rate on such reamortized loans shall be determined by the Secretary, but not in excess of the current average yield on outstanding marketable obligations of the United States with periods to maturity comparable to the average maturities of such loans, plus not to exceed 1 percent, as determined by the Secretary and adjusted to the nearest one-eighth of 1 percent.

“(c) To be eligible for such program—

“(1) the borrower of such reamortized loan must place not less than 50 acres of such land in softwood timber production;

“(2) such land (including timber) may not have any lien against such land other than a lien for—

Prohibition.

7 USC 1921 note.

“(A) a loan made or insured under the Consolidated Farm and Rural Development Act to secure such reamortized loan; or

“(B) a loan made under this section, at the time of reamortization or thereafter, that is subject to a lien on such land (including timber) in favor of the Secretary; and

“(3) the total amount of loans secured by such land (including timber) may not exceed \$1,000 per acre.

“(d)(1) To assist such borrowers to place such land in softwood timber production, the Secretary may make loans to such borrowers for such purpose in an aggregate amount not to exceed the actual cost of tree planting for land placed in the program.

“(2) Any such loan shall be secured by the land (including timber) on which the trees are planted.

“(3) Such loans shall be made on the same terms and conditions as are provided in this section for reamortized loans.

“(e) The Secretary shall issue such rules as are necessary to carry out this section, including rules prescribing terms and conditions for—

“(1) reamortizing and making loans under this section;

“(2) entering into security instruments and agreements under this section; and

“(3) management and harvesting practices of the timber crop.

“(f) There are authorized to be appropriated such sums as are necessary to carry out this section.

Prohibition.

“(g) No more than 50,000 acres may be placed in such program.”.

AMENDMENT TO FARMLAND PROTECTION POLICY ACT

SEC. 1255. (a) Section 1546 of the Farmland Protection Policy Act (7 U.S.C. 4207) is amended by striking out “Within one year after the enactment of this subtitle,” and inserting in lieu thereof “On January 1, 1987, and at the beginning of each subsequent calendar year.”.

Regulations.

(b) Section 1548 of such Act (7 U.S.C. 4209) is amended by striking out “any State, local unit of government, or” and inserting before the period “: *Provided*, That the Governor of an affected State where a State policy or program exists to protect farmland may bring an action in the Federal district court of the district where a Federal program is proposed to enforce the requirements of section 1541 of this subtitle and regulations issued pursuant thereto”.

7 USC 4202.

TITLE XIII—CREDIT

JOINT OPERATIONS

SEC. 1301. (a) Sections 302 and 311(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 and 1941(a), respectively) are each amended by—

(1) striking out “and partnerships” each place it appears after “corporations” and inserting “, partnerships, and joint operations” in lieu thereof;

(2) striking out “, and partnerships” each place it appears after “corporations” and inserting “, partnerships, and joint operations” in lieu thereof; and

(3) striking out “members, stockholders, or partners, as applicable,” each place it appears and inserting “individuals” in lieu thereof.

(b) Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended by—

(1) striking out “and” before “(6)”; and

(2) inserting before the period at the end thereof the following: “, and (7) the term ‘joint operation’ means a joint farming operation in which two or more farmers work together sharing equally or unequally land, labor, equipment, expenses, and income”.

ELIGIBILITY FOR REAL ESTATE AND OPERATING LOANS

SEC. 1302. (a) Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended by—

(1) inserting “(a)” after the section designation; and

(2) adding at the end thereof the following new subsection:

“(b) The Secretary may not restrict eligibility for loans made or insured under this subtitle for purposes set forth in section 303 solely to borrowers of loans that are outstanding on the date of enactment of the Food Security Act of 1985.”.

Prohibition.
7 USC 1923.

(b) Section 311 of such Act (7 U.S.C. 1941) is amended by adding at the end thereof the following new subsection:

“(c) The Secretary may not restrict eligibility for loans made or insured under this subtitle for purposes set forth in section 312 solely to borrowers of loans that are outstanding on the date of enactment of the Food Security Act of 1985.”.

Prohibition.
7 USC 1942.

FAMILY FARM RESTRICTION

SEC. 1303. Sections 302 and 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 and 1941) are each amended by adding, at the end of the parenthetical provision in clause (3) of the second sentence, the following: “or, in the case of holders of the entire interest who are related by blood or marriage and all of whom are or will become farm operators, the ownership interest of each such holder separately constitutes not larger than a family farm, even if their interests collectively constitute larger than a family farm, as defined by the Secretary”.

WATER AND WASTE DISPOSAL FACILITIES

SEC. 1304. (a) Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by—

(1) adding at the end of paragraph (2) the following:

“The Secretary shall fix the grant rate for each project in conformity with regulations issued by the Secretary that shall provide for a graduated scale of grant rates establishing higher rates for projects in communities that have lower community population and income levels.”; and

Regulations.

(2) adding at the end thereof the following:

“(16)(A) The Secretary may make grants to private nonprofit organizations for the purpose of enabling them to provide to associations described in paragraph (1) of this subsection technical assistance and training to—

Grants.

“(i) identify, and evaluate alternative solutions to, problems relating to the obtaining, storage, treatment, purification, or

distribution of water or the collection, treatment, or disposal of waste in rural areas;

"(ii) prepare applications to receive financial assistance for any purpose specified in paragraph (2) of this subsection from any public or private source; and

"(iii) improve the operation and maintenance practices at any existing works for the storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas.

Grants.

"(B) In selecting recipients of grants to be made under subparagraph (A), the Secretary shall give priority to private nonprofit organizations that have experience in providing the technical assistance and training described in subparagraph (A) to associations serving rural areas in which residents have low income and in which water supply systems or waste facilities are unhealthful.

Prohibition.
Grants.

"(C) Not less than 1 nor more than 2 per centum of any funds provided in Appropriations Acts to carry out paragraph (2) of this subsection for any fiscal year shall be reserved for grants under subparagraph (A) unless the applications, qualifying for grants, received by the Secretary from eligible nonprofit organizations for the fiscal year total less than 1 per centum of those funds.

"(17) In the case of water and waste disposal facility projects serving more than one separate rural community, the Secretary shall use the median population level and the community income level of all the separate communities to be served in applying the standards specified in paragraph (2) of this subsection and section 307(a)(3)(A).

Post, p. 1521.
Grants.

"(18) Grants under paragraph (2) of this subsection may be used to pay the local share requirements of another Federal grant-in-aid program to the extent permitted under the law providing for such grant-in-aid program.

Loans.

"(19)(A) In the approval and administration of a loan made under paragraph (1) for a water or waste disposal facility, the Secretary shall consider fully any recommendation made by the loan applicant or borrower concerning the technical design and choice of materials to be used for such facility.

"(B) If the Secretary determines that a design or materials, other than those that were recommended, should be used in the water or waste disposal facility, the Secretary shall provide such applicant or borrower with a comprehensive justification for such determination."

(b)(1) The Secretary of Agriculture shall—

Study.
Loans.
Grants.
Ante, p. 1519.

(A) conduct a study of the practicality and cost effectiveness of making loans and grants under section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) for the construction of water and waste disposal facilities in rural areas at individual locations, rather than central or community locations; and

(B) in such study consider the feasibility of small multiuser drinking water facilities, the costs involved in connecting rural residents into the community water systems, improvements to small community water systems, and alternative rural drinking water systems.

Report.

(2) Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report on the results of the study required under paragraph (1) to the Committee on Agriculture of

the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

INTEREST RATES—WATER AND WASTE DISPOSAL FACILITY AND
COMMUNITY FACILITY LOANS

SEC. 1304A. Section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A)) is amended by—

(1) striking out “where the median family income of the persons to be served by such facility is below the poverty line prescribed by the Office of Management and Budget, as adjusted under section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d)” and inserting in lieu thereof “where the median household income of the persons to be served by such facility is below the higher of 80 per centum of the statewide nonmetropolitan median household income or the poverty line established by the Office of Management and Budget, as revised under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))”; and

(2) inserting before the period at the end thereof the following: “; and not in excess of 7 per centum per annum on loans for such facilities that do not qualify for the 5 per centum per annum interest rate but are located in areas where the median household income of the persons to be served by the facility does not exceed 100 per centum of the statewide nonmetropolitan median household income”.

MINERAL RIGHTS AS COLLATERAL

SEC. 1305. Section 307 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927) is amended by adding at the end thereof the following:

Supra.

“(d) With respect to a farm ownership loan made after the date of the enactment of this subsection, unless appraised values of the rights to oil, gas, or other minerals are specifically included as part of the appraised value of collateral securing the loan, the rights to oil, gas, or other minerals located under the property shall not be considered part of the collateral securing the loan. Nothing in this subsection shall prevent the inclusion of, as part of the collateral securing the loan, any payment or other compensation the borrower may receive for damages to the surface of the collateral real estate resulting from the exploration for or recovery of minerals.”.

Loans.
Petroleum and
petroleum
products.

FARM RECORDKEEPING TRAINING FOR LIMITED RESOURCE BORROWERS

SEC. 1306. The first sentence of section 312(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942(a)) is amended—

(1) by striking out “and” at the end of clause (10); and

(2) by inserting before the period at the end thereof the following new clause: “; and (12) training in maintaining records of farming and ranching operations for limited resource borrowers receiving loans under section 310D”.

Loans.

7 USC 1934.

NONSUPERVISED ACCOUNTS

SEC. 1307. Section 312 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942) is amended by adding at the end the following:

Supra.

Loans.
Banks and
banking.

“(e) Notwithstanding any other provision of this title, the Secretary shall reserve not more than 10 percent of any loan made under this subtitle or \$5,000 of such loan, whichever is less, to be placed in a nonsupervised bank account which may be used at the discretion of the borrower for necessary family living needs or purposes not inconsistent with previously agreed upon farming or ranching plans. If the borrower exhausts this reserve, the Secretary may review and adjust the farm plan with the borrower and consider rescheduling the loan, extending additional credit, the use of income proceeds to pay necessary farm and home and other expenses, or additional available loan servicing.”

ELIGIBILITY FOR EMERGENCY LOANS

98 Stat. 138.

SEC. 1308. (a) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended by—

Corporations.

(1) inserting after “United States” in clause (1) of the first sentence “and who are owner-operators (in the case of loans for a purpose under subtitle A) or operators (in the case of loans for a purpose under subtitle B) of not larger than family farms”;

(2) in clause (2) of the first sentence, striking out “farm cooperatives or private domestic corporations or partnerships in which a majority interest is held by members, stockholders, or partners who are citizens of the United States if the cooperative, corporation, or partnership is engaged primarily in farming, ranching, or aquaculture,” and inserting in lieu thereof the following: “farm cooperatives, private domestic corporations, partnerships, or joint operations (A) that are engaged primarily in farming, ranching, or aquaculture, and (B) in which a majority interest is held by individuals who are citizens of the United States and who are owner-operators (in the case of loans for a purpose under subtitle A) or operators (in the case of loans for a purpose under subtitle B) of not larger than family farms (or in the case of such cooperatives, corporations, partnerships, or joint operations in which a majority interest is held by individuals who are related by blood or marriage, as defined by the Secretary, such individuals must be either owners or operators of not larger than a family farm and at least one such individual must be an operator of not larger than a family farm),”; and

Corporations.

(3) inserting after the first sentence the following: “In addition to the foregoing requirements of this subsection, in the case of farm cooperatives, private domestic corporations, partnerships, and joint operations, the family farm requirement of the preceding sentence shall apply as well to all farms in which the entity has an ownership and operator interest (in the case of loans for a purpose under subtitle A) or an operator interest (in the case of loans for a purpose under subtitle B).”

(b)(1) Subsection (b) of section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended to read as follows:

“(b) An applicant shall be ineligible for financial assistance under this subtitle for crop losses if crop insurance was available to the applicant for such crop losses under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).”

Prohibition.
7 USC 1961 note.

(2) The amendment made by paragraph (1) shall not apply to a person whose eligibility for an emergency loan is the result of

damage to an annual crop planted or harvested before the end of 1986.

(3) Section 324(b)(1) of such Act (7 U.S.C. 1964(b)(1)) is amended by striking out "but (A)" and all that follows through "Secretary" and inserting in lieu thereof "but not in excess of 8 percent per annum".

(c) Subsection (a) of section 324 of such Act (7 U.S.C. 1964(a)) is amended to read as follows:

"(a) No loan made or insured under this subtitle may exceed the amount of the actual loss caused by the disaster or \$500,000, whichever is less, for each disaster."

Prohibition.

(d) Section 330 of such Act (7 U.S.C. 1971) is repealed.

Repeal.

SETTLEMENT OF CLAIMS

SEC. 1309. Subsection (d) of the second paragraph of section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(d)) is amended to read as follows:

"(d) compromise, adjust, reduce, or charge-off claims, and adjust, modify, subordinate, or release the terms of security instruments, leases, contracts, and agreements entered into or administered by the Farmers Home Administration under any of its programs, as circumstances may require, to carry out this title. The Secretary may release borrowers or others obligated on a debt incurred under this title from personal liability with or without payment of any consideration at the time of the compromise, adjustment, reduction, or charge-off of any claim, except that no compromise, adjustment, reduction, or charge-off of any claim may be made or carried out—

Securities.
Contracts.

"(1) on terms more favorable than those recommended by the appropriate county committee utilized pursuant to section 332; or

Post, p. 1524.

"(2) after the claim has been referred to the Attorney General, unless the Attorney General approves;"

OIL AND GAS ROYALTIES

SEC. 1310. (a) Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 331B the following new section:

"SEC. 331C. (a) The Secretary shall permit a borrower of a loan made or insured under this title to make a prospective payment on such loan with proceeds from—

Loans.
7 USC 1981c.

"(1) the leasing of oil, gas, or other mineral rights to real property used to secure such loan; or

Real property.

"(2) the sale of oil, gas, or other minerals removed from real property used to secure such loan, if the value of the rights to such oil, gas, or other minerals has not been used to secure such loan.

"(b) Subsection (a) shall not apply to a borrower of a loan made or insured under this title with respect to which a liquidation or foreclosure proceeding is pending on the date of enactment of the Food Security Act of 1985."

Prohibition.
Loans.

(b) Section 204 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. 1947 note) is amended by adding at the end thereof the following new subsection:

7 USC note prec
1961.

"(e)(1) The Secretary shall permit a borrower of a loan made or insured under this title to make a prospective payment on such loan with proceeds from—

Loans.

- Real property. “(A) the leasing of oil, gas, or other mineral rights to real property used to secure such loan; or
 “(B) the sale of oil, gas, or other minerals removed from real property used to secure such loan if the value of the rights to such oil, gas, or other minerals has not been used to secure such loan.
- Prohibition. “(2) Paragraph (1) shall not apply to a borrower of a loan made or insured under this title with respect to which a liquidation or foreclosure proceeding is pending on the date of enactment of the Food Security Act of 1985.”

COUNTY COMMITTEES

- Regulations. SEC. 1311. Section 332(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982(a)) is amended to read as follows:
 “(a) In each county or area in which activities are carried out under this title, there shall be a county committee composed of three members. Two members shall be elected, from among their number, by farmers deriving the principal part of their income from farming who reside within the county or area, and one member, who shall reside within the county or area, shall be appointed by the Secretary for a term of three years. At the first election of county committee members under this subsection, one member shall be elected for a term of one year and one member shall be elected for a term of two years. Thereafter, elected members of the county committee shall be elected for a term of three years. The Secretary, in selecting the appointed member of the county committee, shall ensure that, to the greatest extent practicable, the committee is fairly representative of the farmers in the county or area. The Secretary may appoint an alternate for each member of the county committee. Appointed and alternate members of the county committee shall be removable by the Secretary for cause. The Secretary shall issue such regulations as are necessary relating to the election and appointment of members and alternate members of the county committees.”

PROMPT APPROVAL OF LOANS AND LOAN GUARANTEES

- 7 USC 1983a. SEC. 1312. (a) Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 333 (7 U.S.C. 1983) the following new section:
 “SEC. 333A. (a)(1) The Secretary shall approve or disapprove an application for a loan or loan guarantee made under this title, and notify the applicant of such action, not later than 60 days after the Secretary has received a complete application for such loan or loan guarantee.
 “(2) If an application for a loan or loan guarantee under this title is incomplete, the Secretary shall inform the applicant of the reasons such application is incomplete not later than 20 days after the Secretary has received such application.
 “(3) If an application for a loan or loan guarantee under this title is disapproved by the Secretary, the Secretary shall state the reasons for the disapproval in the notice required under paragraph (1).
 “(b)(1) Except as provided in paragraph (2), if an application for an insured loan under this title is approved by the Secretary, the Secretary shall provide the loan proceeds to the applicant not later

than 15 days (or such longer period as the applicant may approve) after the application for the loan is approved by the Secretary.

“(2) If the Secretary is unable to provide the loan proceeds to the applicant within such 15-day period because sufficient funds are not available to the Secretary for such purpose, the Secretary shall provide the loan proceeds to the applicant as soon as practicable (but in no event later than 15 days unless the applicant agrees to a longer period) after sufficient funds for such purpose become available to the Secretary.

“(c) In an application for a loan or loan guarantee under this title is disapproved by the Secretary, but such action is subsequently reversed or revised as the result of an appeal within the Department of Agriculture or to the courts of the United States and the application is returned to the Secretary for further consideration, the Secretary shall act on the application and provide the applicant with notice of the action within 15 days after return of the application to the Secretary.

“(d) In carrying out the approved lender program established by exhibit A to subpart B of part 1980 of title 7, Code of Federal Regulations, the Secretary shall ensure that each request of a lending institution for designation as an approved lender under such program is reviewed, and a decision made on the application, not later than 15 days after the Secretary has received a complete application for such designation.

“(e)(1) As soon as practicable after the date of enactment of the Food Security Act of 1985, the Secretary shall take such steps as are necessary to make personnel, including the payment of overtime for such personnel, and other resources of the Department of Agriculture available to the Farmers Home Administration as are sufficient to enable the Farmers Home Administration to expeditiously process loan applications that are submitted by farmers and ranchers.

“(2) In carrying out paragraph (1), the Secretary may use any authority of law provided to the Secretary, including—

“(A) the Agricultural Credit Insurance Fund established under section 309; and

“(B) the employment procedures used in connection with the emergency loan program established under subtitle C.”

(b) The amendment made by subsection (a) shall be effective with respect to applications for loans or loan guarantees under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) received by the Secretary of Agriculture after the date of enactment of this Act.

7 USC 1929.

Effective date.
7 USC 1983a
note.

APPEALS

SEC. 1313. (a) Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 333A (as added by section 1312) the following new section:

“SEC. 333B. (a) The Secretary shall provide an applicant for or borrower of a loan, or an applicant for or recipient of a loan guarantee, under this title who has been directly and adversely affected by a decision of the Secretary made under this title (hereafter in this section referred to as the ‘appellant’) with written notice of the decision, an opportunity for an informal meeting, and an opportunity for a hearing with respect to such decision, in accordance with regulations issued by the Secretary consistent with this section.

Ante, p. 1524.
Loans.
Regulations.
7 USC 1983b.

"(b)(1) Not later than 10 days after such adverse decision, the Secretary shall provide the appellant with written notice of the decision, an opportunity for an informal meeting, an opportunity for a hearing, and the procedure to appeal such decision (including any deadlines for filing appeals).

"(2) Upon the request of the appellant and in order to provide an opportunity to resolve differences and minimize formal appeals, the Secretary shall hold an informal meeting with the appellant prior to the initiation of any formal appeal of the decision of the Secretary.

"(c)(1) An appellant shall have the right to have—

"(A) access to the personal file of the appellant maintained by the Secretary, including a reasonable opportunity to inspect and reproduce the file at an office of the Farmers Home Administration located in the area of the appellant; and

"(B) representation by an attorney or nonattorney during the inspection and reproduction of files under subparagraph (A) and at any informal meeting or hearing.

"(2) The Secretary may charge an appellant for any reasonable costs incurred in reproducing files under paragraph (1)(A)."

Study.
Loans.

(b)(1) The Secretary of Agriculture shall conduct a study of the administrative appeals procedure used in the farm loan programs of the Farmers Home Administration.

(2) In conducting such study, the Secretary shall examine—

(A) the number and type of appeals initiated by loan applicants and borrowers;

(B) the extent to which initial administrative actions are reversed on appeal;

(C) the reasons that administrative actions are reversed, modified, or sustained on appeal;

(D) the number and disposition of appeals in which the loan applicant or borrower is represented by legal counsel;

(E) the quantity of time required to complete action on appeals and the reasons for delays;

(F) the feasibility of the use of administrative law judges in the appeals process; and

(G) the desirability of electing members of county committees established under section 332 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982).

Ante, p. 1524.
Report.

(c) Not later than September 1, 1986, the Secretary shall submit a report describing the results of the study required under this section to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

DISPOSITION AND LEASING OF FARMLAND

SEC. 1314. (a) Section 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985) is amended by—

(1) striking out "Real" in subsection (b) and inserting in lieu thereof "Except as provided in subsection (e), real";

(2) in subsection (c)—

(A) striking out "The" in the first sentence and inserting in lieu thereof "Except as provided in subsection (e), the"; and

(B) adding at the end thereof the following new sentence: "Notwithstanding the preceding sentence, the Secretary may for conservation purposes grant or sell an easement, restriction, development rights, or the equivalent thereof,

Conservation.
State and local
governments.

to a unit of local or State government or a private nonprofit organization separately from the underlying fee or sum of all other rights possessed by the United States.”; and

(3) by adding at the end thereof the following new subsection:

“(e)(1) The Secretary shall to the extent practicable sell or lease farmland administered under this title in the following order of priority:

“(A) Sale of such farmland to operators (as of the time immediately before such sale) of not larger than family-size farms.

“(B) Lease of such farmland to operators (as of the time immediately before such lease is entered into) of not larger than family-size farms.

“(2) The Secretary shall not offer for sale or sell any such farmland if the placing of such farmland on the market will have a detrimental effect on the value of farmland in the area.

Prohibition.

“(3)(A) The Secretary shall consider granting, and may grant, to an operator of not larger than a family-size farm, in conjunction with paragraph (3), a lease with an option to purchase farmland administered under this title.

“(B) The Secretary shall issue regulations providing for leasing such land, or leasing such land with an option to purchase, on a fair and equitable basis.

Regulations.

“(C) In leasing such land, the Secretary shall give special consideration to a previous owner or operator of such land if such owner or operator has financial resources, and farm management skills and experience, that the Secretary determines are sufficient to assure a reasonable prospect of success in the proposed farming operation.

“(D) To the extent the Secretary may lease or operate real property under this subsection, the Secretary shall, if the Secretary determines to administer such property through management contracts, offer the contracts on a competitive bid basis, giving preference to persons who will live in, and own and operate qualified small businesses in, the area where the property is located.

Real property.
Contracts.
Small business.

“(4)(A)(i) The Secretary may sell farmland administered under this title through an installment sale or similar device that contains such terms as the Secretary considers necessary to protect the investment of the Federal Government in such land.

“(ii) The Secretary may subsequently sell any contract entered into to carry out clause (i).

Contracts.

“(B) The Secretary shall offer such land for sale to operators of not larger than family-size farms at a price that reflects the average annual income that may be reasonably anticipated to be generated from farming such land.

“(C) If two or more qualified operators of not larger than family-size farms desire to purchase, or lease with an option to purchase, such land, the appropriate county committee shall, by majority vote, select the operator who may purchase such land, on such basis as the Secretary may prescribe by regulation.

Regulations.

“(5)(A) If the Secretary determines that farmland administered under this title is not suitable for sale or lease to an operator of not larger than a family-size farm because such farmland is in a tract or tracts that the Secretary determines to be larger than that necessary for family-size farms, the Secretary shall subdivide such land into tracts suitable for such operator.

“(B) The Secretary shall dispose of such subdivided farmland in accordance with this subsection.

“(6) If suitable farmland is available for disposition under this subsection, the Secretary shall—

“(A) publish an announcement of the availability of such farmland in at least one newspaper that is widely circulated in the county in which the farmland is located; and

“(B) post an announcement of the availability of such farmland in a prominent place in the local office of the Farmers Home Administration that serves the county in which the farmland is located.

Conservation.

“(7) In the case of farmland administered under this title that is highly erodible land (as defined in section 1201 of the Food Security Act of 1985), the Secretary may require the use of specified conservation practices on such land as a condition of the sale or lease of such land.

Ante, p. 1504.

“(8) Notwithstanding any other provisions of law, compliance by the Secretary with this subsection shall not cause any acreage allotment, marketing quota, or acreage base assigned to such property to lapse, terminate, be reduced, or otherwise be adversely affected.”.

7 USC 1985 note.

(b) The Secretary of Agriculture shall implement the amendments made by this section not later than 90 days after the date of enactment of this Act.

RELEASE OF NORMAL INCOME SECURITY

Ante, p. 1526.

SEC. 1315. Section 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985) (as amended by section 1314(3)) is further amended by adding at the end thereof the following new subsection:

“(f)(1) As used in this subsection, the term ‘normal income security’ has the same meaning given such term in section 1962.17(b) of title 7, Code of Federal Regulations (as of January 1, 1985).

Loans.

“(2) Until such time as the Secretary accelerates a loan made or insured under this title, the Secretary shall release from the normal income security provided for such loan an amount sufficient to pay the essential household and farm operating expenses of the borrower, as determined by the Secretary.”.

LOAN SUMMARY STATEMENTS

SEC. 1316. Section 337 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1987) is amended by—

(1) inserting “(a)” after the section designation; and

(2) adding at the end thereof the following new subsection:

“(b)(1) As used in this subsection, the term ‘summary period’ means—

“(A) the period beginning on the date of enactment of the Food Security Act of 1985 and ending on the date on which the first loan summary statement is issued after such date of enactment; or

“(B) the period beginning on the date of issuance of the preceding loan summary statement and ending on the date of issuance of the current loan summary statement.

“(2) On the request of a borrower of a loan made or insured (but not guaranteed) under this title, the Secretary shall issue to such borrower a loan summary statement that reflects the account activity during the summary period for each loan made or insured under this title to such borrower, including—

- “(A) the outstanding amount of principal due on each such loan at the beginning of the summary period;
- “(B) the interest rate charged on each such loan;
- “(C) the amount of payments made on and their application to each such loan during the summary period and an explanation of the basis for the application of such payments;
- “(D) the amount of principal and interest due on each such loan at the end of the summary period;
- “(E) the total amount of unpaid principal and interest on all such loans at the end of the summary period;
- “(F) any delinquency in the repayment of any such loan;
- “(G) a schedule of the amount and date of payments due on each such loan; and
- “(H) the procedure the borrower may use to obtain more information concerning the status of such loans.”.

AUTHORIZATION OF LOAN AMOUNTS

SEC. 1317. (a) Subsection (b) of section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)) is amended to read as follows:

b)(1)(A) For each of the fiscal years ending September 30, 1986, through September 30, 1988, real estate and operating loans may be insured, made to be sold and insured, or guaranteed in accordance with subtitles A and B, respectively, from the Agricultural Credit Insurance Fund established under section 309 in an amount equal to \$200,000,000, of which not less than \$520,000,000 shall be for farm ownership loans under subtitle A.

7 USC 1929.

(B) Subject to subparagraph (C), such amount shall be apportioned as follows:

“(i) For the fiscal year ending September 30, 1986—

“(I) \$2,000,000,000 for insured loans, of which not less than \$260,000,000 shall be for farm ownership loans; and

“(II) \$2,000,000,000 for guaranteed loans, of which not less than \$260,000,000 shall be for guarantees of farm ownership loans.

“(ii) For the fiscal year ending September 30, 1987—

“(I) \$1,500,000,000 for insured loans, of which not less than \$195,000,000 shall be for farm ownership loans; and

“(II) \$2,500,000,000 for guaranteed loans, of which not less than \$325,000,000 shall be for guarantees of farm ownership loans.

“(iii) For the fiscal year ending September 30, 1988—

“(I) \$1,000,000,000 for insured loans, of which not less than \$130,000,000 shall be for farm ownership loans; and

“(II) \$3,000,000,000 for guaranteed loans, of which not less than \$390,000,000 shall be for guarantees of farm ownership loans.

(C) For each of the fiscal years referred to in subparagraph (A), the Secretary may transfer not more than 25 percent of the amounts authorized for guaranteed loans to amounts authorized for insured loans.

(D)(i) For each of the fiscal years 1986, 1987, and 1988, emergency loans may be made or insured or guaranteed in accordance with subtitle C from the Agricultural Credit Insurance Fund as follows: \$200,000,000 for fiscal year 1986, \$700,000,000 for fiscal year 1987, \$600,000,000 for fiscal year 1988.

“(E) Loans for each of the fiscal years 1986, 1987, and 1988 are authorized to be insured, or made to be sold and insured, or guaranteed under the Rural Development Insurance Fund as follows:

“(i) Insured water and waste disposal facility loans, \$340,000,000.

“(ii) Industrial development loans, \$250,000,000.

“(iii) Insured community facility loans, \$115,000,000.”.

7 USC 1994.

(b) Section 346(e)(1) of such Act is amended by—

(1) striking out “20” each place it appears and inserting in lieu thereof “25”; and

(2) striking out “fiscal year 1984” and inserting in lieu thereof “each fiscal year”.

(c) Section 346 of such Act (as amended by subsection (b)) is amended—

(1) striking out subsection (d); and

(2) redesignating subsection (e) as subsection (d).

FARM DEBT RESTRUCTURE AND CONSERVATION SET-ASIDE

CONSERVATION EASEMENTS

SEC. 1318. (a) The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end thereof the following new section:

7 USC 1997.

“Sec. 349. (a) For purposes of this section:

“(1) The term ‘governmental entity’ means any agency of the United States, a State, or a unit of local government of a State.

“(2) The terms ‘highly erodible land’ and ‘wetland’ have the meanings, respectively, that such terms are given in section 1201 of the Food Security Act of 1985.

Ante, p. 1504.

“(3) The term ‘wildlife’ means fish or wildlife as defined in section 2(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(a)).

“(5) The term ‘recreational purposes’ includes hunting.

Real property.

“(b) Subject to subsection (c), the Secretary may acquire and retain an easement in real property, for a term of not less than 50 years, for conservation, recreational, and wildlife purposes.

Real property.

“(c) Such easement may be acquired or retained for real property if such property—

“(1) is wetland, upland, or highly erodible land;

“(2) is determined by the Secretary to be suitable for the purposes involved;

Loans.

“(3)(A)(i) secures any loan made under any law administered by the Farmers Home Administration and held by the Secretary; and

“(ii) the borrower of such loan is unable, as determined by the Secretary, to repay such loan in a timely manner; or

“(B) is administered under this title by the Secretary; and

“(4) was (except in the case of wetland) row cropped each year of the 3-year period ending on the date of the enactment of the Food Security Act of 1985.

“(d) The terms and conditions specified in each such easement shall—

Real property.

“(1) specify the purposes for which such real property may be used;

“(2) identify the conservation measures to be taken, and the recreational and wildlife uses to be allowed, with respect to such real property; and

“(3) require such owner to permit the Secretary, and any person or governmental entity designated by the Secretary, to have access to such real property for the purpose of monitoring compliance with such easement.

“(e) Any such easement acquired by the Secretary shall be purchased from the borrower involved by canceling that part of the aggregate amount of such outstanding loans of the borrower held by the Secretary under laws administered by the Farmers Home Administration that bears the same ratio to the aggregate amount of the outstanding loans of such borrower held by the Secretary under all such laws as the number of acres of the real property of such borrower that are subject to such easement bears to the aggregate number of acres securing such loans. In no case shall the amount so cancelled exceed the value of the land on which the easement is acquired.

Loans.
Real property.
Prohibition.

“(f) If the Secretary elects to use the authority provided by this section, the Secretary shall consult with the Director of the Fish and Wildlife Service for purposes of—

“(1) selecting real property in which the Secretary may acquire easements under this section;

Real property.

“(2) formulating the terms and conditions of such easements; and

“(3) enforcing such easements.

“(g) The Secretary, and any person or governmental entity designated by the Secretary, may enforce an easement acquired by the Secretary under this section.

“(h) This section shall not apply with respect to the cancellation of any part of any loan that was made after the date of enactment of the Food Security Act of 1985.”

Prohibition.

(b)(1) The last sentence of section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended by inserting “, other than easements acquired under section 349” before the period at the end thereof.

Ante, pp. 1526,
1528.
Ante, p. 1530.

(2) The second sentence of section 1001 of the Agricultural Act of 1970 (16 U.S.C. 1501) is amended—

(1) by striking out “perpetual”; and

(2) by inserting “for a term of not less than 50 years” after “easements”.

ADMINISTRATION OF GUARANTEED FARM LOAN PROGRAMS

SEC. 1319. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding after the section added by section 1318 the following:

“SEC. 350. Notwithstanding any other provision of this title, the Secretary shall ensure that farm loan guarantee programs carried out under this title are designed so as to be responsive to borrower and lender needs and to include provisions under reasonable terms and conditions for advances, before completion of the liquidation process, of guarantee proceeds on loans in default.”

Ante, p. 1530.
7 USC 1998.

INTEREST RATE REDUCTION PROGRAM

SEC. 1320. Effective only for the period beginning on the date of enactment of this Act and ending September 30, 1988, the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding after the section added by section 1319 the following:

Ante, p. 1531.

Loans.
7 USC 1999.

Contracts.
Loans.

"SEC. 351. (a) The Secretary shall establish and carry out in accordance with this section an interest rate reduction program for loans guaranteed under this title.

"(b) Under such program, the Secretary shall enter into a contract with, and make payments to, a legally organized institution to reduce during the term of such contract the interest rate paid by a borrower on a guaranteed loan made by such institution if—

"(1) the borrower—

"(A) is unable to obtain sufficient credit elsewhere to finance the actual needs of the borrower at reasonable rates and terms, taking into consideration private and cooperative rates and terms for a loan for a similar purpose and period of time in the community in or near which the borrower resides;

"(B) is otherwise unable to make payments on such loan in a timely manner; and

"(C) has a total estimated cash income during the 12-month period beginning on the date such contract is entered into (including all farm and nonfarm income) that will equal or exceed the total estimated cash expenses to be incurred by the borrower during such period (including all farm and nonfarm expenses); and

"(2) the lender reduces during the term of such contract the annual rate of interest payable on such loan by a minimum percentage specified in such contract.

Contracts.
Loans.

"(c) In return for a contract entered into by a lender under subsection (b) for the reduction of the interest rate paid on a loan, the Secretary shall make payments to the lender in an amount equal to not more than 50 percent of the cost of reducing the annual rate of interest payable on such loan, except that such payments may not exceed the cost of reducing such rate by more than 2 percent.

Contracts.
Prohibition.
Loans.

"(d) The term of a contract entered into under this section to reduce the interest rate on a guaranteed loan may not exceed the outstanding term of such loan, or 3 years, whichever is less.

7 USC 1929.

"(e)(1) Notwithstanding any other provision of this title, the Agricultural Credit Insurance Fund established under section 309 may be used by the Secretary to carry out this section.

Prohibition.

"(2) The total amount of funds used by the Secretary to carry out this section may not exceed \$490,000,000."

HOMESTEAD PROTECTION

Supra.

SEC. 1321. The Consolidated Farm and Rural Development Act is amended by adding after the section added by section 1320 the following:

7 USC 2000.

"SEC. 352. (a) As used in this section:

"(1) The term 'Administrator' means the Administrator of the Small Business Administration.

“(2) The term ‘farm program loan’ means any loan made by the Administrator under the Small Business Act (15 U.S.C. 631 et seq.) for any of the purposes authorized for loans under subtitles A or B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).” Loans.

“(3) The term ‘homestead property’ means the principal residence and adjoining property possessed and occupied by a borrower specified in paragraph (2) of this subsection.

“(4) The term ‘Secretary’ means the Secretary of Agriculture.” Loans.
“(b)(1) If the Secretary forecloses a loan made or insured under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), the Administrator forecloses a farm program loan made under the Small Business Act (15 U.S.C. 631 et seq.), or a borrower of a loan made or insured by either agency declares bankruptcy or goes to voluntary liquidation to avoid foreclosure or bankruptcy, the Secretary or Administrator may upon application by the borrower, permit the borrower to retain possession and occupancy of any principal residence of the borrower, and a reasonable amount of adjoining land for the purpose of family maintenance.

“(2) The value of the homestead property shall be determined so far as possible by an independent appraisal made within six months from the date of the borrower’s application to retain possession and occupancy of the homestead property.

“(3) The period of occupancy of homestead property under this subsection may not exceed five years, but in no case shall be the Secretary or the Administrator grant a period of occupancy less than three years, subject to compliance with the requirements of subsection (c).” Prohibition.

“(c) To be eligible to occupy homestead property, a borrower of a loan made or insured by the Secretary or the Administrator must—” Loans.

“(1) apply for such occupancy during the three-year period beginning on the date of the enactment of this Act;

“(2) have exhausted all other remedies for the extension or restructuring of such loan, including all remedies afforded under section 331(d);

“(3) have made gross annual farm sales of at least \$40,000 in at least two calendar years during the five-year period beginning on January 1, 1981, and ending on December 31, 1985 (or the equivalent crop or fiscal years);

“(4) have received from farming operations at least 60 per centum of the gross annual income of the borrower and any spouse of the borrower during at least two years of such five-year period;

“(5) have occupied the homestead property, and engaged in farming or ranching operations on adjoining land, or other land controlled by said borrower, during such five-year period;

“(6) during the period of occupancy of the homestead property, pay a reasonable sum as rent for such property to the Secretary or the Administrator in an amount substantially equivalent to rents charged for similar residential properties in the area in which the homestead property is located, and failure to make rental payments in a timely fashion shall constitute cause for the termination of all rights of a borrower to possession and occupancy of the homestead property under this subsection;

“(7) during the period of occupancy of homestead property, maintain such property in good condition; and” Ante, p. 1523.

“(8) agree to such other terms and conditions as are prescribed by the Secretary or the Administrator in order to facilitate the administration of this subsection.

“(d) At the end of the period of occupancy described in subsection (c), the Secretary or the Administrator shall grant to the borrower a first right of refusal to reacquire the homestead property on such terms and conditions (which may include payment of principal in installments) as the Secretary or the Administrator shall determine.

“(e) At the time any reacquisition agreement is entered into, the Secretary or the Administrator may not demand a total payment of principal that is in excess of the value of the homestead property as established under subsection (b)(2).”.

EXTENSION OF CREDIT TO ALL RURAL UTILITIES THAT PARTICIPATE IN THE PROGRAM ADMINISTERED BY THE RURAL ELECTRIFICATION ADMINISTRATION

Loans.
Banks and
banking.

SEC. 1322. Section 3.8 of the Farm Credit Act of 1971 (12 U.S.C. 2129) is amended by—

(1) inserting “(1)” immediately before “Any association”; and

(2) adding at the end thereof a new subsection (2) as follows:

“(2) Notwithstanding any other provision of this title, cooperatives and other entities that have received a loan, loan commitment, or loan guarantee from the Rural Electrification Administration, or a loan or loan commitment from the Rural Telephone Bank, or that have been certified by the Administrator of the Rural Electrification Administration to be eligible for such a loan, loan commitment, or loan guarantee, and subsidiaries of such cooperatives or other entities, shall also be eligible to borrow from a bank for cooperatives.”.

NONPROFIT NATIONAL RURAL DEVELOPMENT AND FINANCE CORPORATIONS

Loans.
7 USC 1982 note.

SEC. 1323. (a)(1) For the fiscal year ending September 30, 1986, the Secretary of Agriculture (hereafter in this section referred to as the “Secretary”) shall guarantee loans made by public agencies or private organizations (including loans made by financial institutions such as insurance companies) to nonprofit national rural development and finance corporations that establish similar and affiliated statewide rural development and finance programs for the purpose of providing loans, guarantees, and other financial assistance to profit or nonprofit local businesses to improve business, industry, and employment opportunities in a rural area (as determined by the Secretary).

(2) To be eligible to obtain a loan guarantee under this subsection, a corporation must—

(A) demonstrate to the Secretary the ability of the corporation to administer a national revolving rural development loan program;

(B) be prepared to commit financial resources under the control of the corporation to the establishment of affiliated statewide rural development and finance programs; and

(C) have secured commitments of significant financial support from public agencies and private organizations for such affiliated statewide programs.

(3) A national rural development and finance corporation receiving a loan guarantee under this subsection shall base a determina-

tion to establish an affiliated statewide program in large part on the willingness of States and private organizations to sponsor and make funds available to such program.

(4) Notwithstanding any other provision of law, for the fiscal year ending September 30, 1986, of the amounts available to guarantee loans in accordance with section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) from the Rural Development Insurance Fund, \$20,000,000 shall be used by the Secretary to guarantee loans under the national rural development and finance program established under this subsection, to remain available until expended.

(b)(1) For the fiscal year ending September 30, 1986, the Secretary shall make grants, from funds transferred under paragraph (2), to national rural development and finance corporations for the purpose of establishing a rural development program to provide financial and technical assistance to compliment the loan guarantees made to such corporations under subsection (a).

Grants.

(2) All funds authorized under the Rural Development Loan Fund, including those on deposit and available upon date of enactment, under sections 623 and 633 of the Community Economic Development Act of 1981 (42 U.S.C. 9801 et seq.) shall be transferred to the Secretary provided that—

42 USC 9812,
9822.

(A) all funds on deposit and available on date of enactment shall be used for the purpose of making grants under paragraph (1) and shall remain available until expended; and

Grants.

(B) notwithstanding any other provision of law, all loans to intermediary borrowers made prior to date of enactment, shall upon date of enactment, for the life of such loan, bear a rate of interest not to exceed that in effect upon the date of issuance of such loans.

PROTECTION FOR PURCHASERS OF FARM PRODUCTS

SEC. 1324. (a) Congress finds that—

7 USC 1631.

(1) certain State laws permit a secured lender to enforce liens against a purchaser of farm products even if the purchaser does not know that the sale of the products violates the lender's security interest in the products, lacks any practical method for discovering the existence of the security interest, and has no reasonable means to ensure that the seller uses the sales proceeds to repay the lender;

(2) these laws subject the purchaser of farm products to double payment for the products, once at the time of purchase, and again when the seller fails to repay the lender;

(3) the exposure of purchasers of farm products to double payment inhibits free competition in the market for farm products; and

(4) this exposure constitutes a burden on and an obstruction to interstate commerce in farm products.

Commerce and
trade.

(b) The purpose of this section is to remove such burden on and obstruction to interstate commerce in farm products.

(c) For the purposes of this section—

(1) The term "buyer in the ordinary course of business" means a person who, in the ordinary course of business, buys farm products from a person engaged in farming operations who is in the business of selling farm products.

(2) The term "central filing system" means a system for filing effective financing statements or notice of such financing statements on a statewide basis and which has been certified by the Secretary of the United States Department of Agriculture; the Secretary shall certify such system if the system complies with the requirements of this section; specifically under such system—

(A) effective financing statements or notice of such financing statements are filed with the office of the Secretary of State of a State;

(B) the Secretary of State records the date and hour of the filing of such statements;

(C) the Secretary of State compiles all such statements into a master list—

(i) organized according to farm products;

(ii) arranged within each such product—

(I) in alphabetical order according to the last name of the individual debtors, or, in the case of debtors doing business other than as individuals, the first word in the name of such debtors; and

(II) in numerical order according to the social security number of the individual debtors or, in the case of debtors doing business other than as individuals, the Internal Revenue Service taxpayer identification number of such debtors; and

(III) geographically by county or parish; and

(IV) by crop year;

(iii) containing the information referred to in paragraph (4)(D);

(D) the Secretary of State maintains a list of all buyers of farm products, commission merchants, and selling agents who register with the Secretary of State, on a form indicating—

(i) the name and address of each buyer, commission merchant and selling agent;

(ii) the interest of each buyer, commission merchant, and selling agent in receiving the lists described in subparagraph (E); and

(iii) the farm products in which each buyer, commission merchant, and selling agent has an interest;

(E) the Secretary of State distributes regularly as prescribed by the State to each buyer, commission merchant, and selling agent on the list described in subparagraph (D) a copy in written or printed form of those portions of the master list described in paragraph (C) that cover the farm products in which such buyer, commission merchant, or selling agent has registered an interest;

(F) the Secretary of State furnishes to those who are not registered pursuant to (2)(D) of this section oral confirmation within 24 hours of any effective financing statement on request followed by written confirmation to any buyer of farm products buying from a debtor, or commission merchant or selling agent selling for a seller covered by such statement.

(3) The term "commission merchant" means any person engaged in the business of receiving any farm product for sale, on commission, or for or on behalf of another person.

(4) The term “effective financing statement” means a statement that—

- (A) is an original or reproduced copy thereof;
- (B) is signed and filed with the Secretary of State of a State by the secured party;
- (C) is signed by the debtor;
- (D) contains,
 - (i) the name and address of the secured party;
 - (ii) the name and address of the person indebted to the secured party;
 - (iii) the social security number of the debtor or, in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of such debtor;
 - (iv) a description of the farm products subject to the security interest created by the debtor, including the amount of such products where applicable; and a reasonable description of the property, including county or parish in which the property is located;
- (E) must be amended in writing, within 3 months, similarly signed and filed, to reflect material changes;
- (F) remains effective for a period of 5 years from the date of filing, subject to extensions for additional periods of 5 years each by refileing or filing a continuation statement within 6 months before the expiration of the initial 5 year period;
- (G) lapses on either the expiration of the effective period of the statement or the filing of a notice signed by the secured party that the statement has lapsed, whichever occurs first;
- (H) is accompanied by the requisite filing fee set by the Secretary of State; and
- (I) substantially complies with the requirements of this subparagraph even though it contains minor errors that are not seriously misleading.

(5) The term “farm product” means an agricultural commodity such as wheat, corn, soybeans, or a species of livestock such as cattle, hogs, sheep, horses, or poultry used or produced in farming operations, or a product of such crop or livestock in its unmanufactured state (such as ginned cotton, wool-clip, maple syrup, milk, and eggs), that is in the possession of a person engaged in farming operations.

(6) The term “knows” or “knowledge” means actual knowledge.

(7) The term “security interest” means an interest in farm products that secures payment or performance of an obligation.

(8) The term “selling agent” means any person, other than a commission merchant, who is engaged in the business of negotiating the sale and purchase of any farm product on behalf of a person engaged in farming operations.

(9) The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(10) The term “person” means any individual, partnership, corporation, trust, or any other business entity.

(11) The term "Secretary of State" means the Secretary of State or the designee of the State.

(d) Except as provided in subsection (e) and notwithstanding any other provision of Federal, State, or local law, a buyer who in the ordinary course of business buys a farm product from a seller engaged in farming operations shall take free of a security interest created by the seller, even though the security interest is perfected; and the buyer knows of the existence of such interest.

(e) A buyer of farm products takes subject to a security interest created by the seller if—

(1)(A) within 1 year before the sale of the farm products, the buyer has received from the secured party or the seller written notice of the security interest organized according to farm products that—

(i) is an original or reproduced copy thereof;

(ii) contains,

(I) the name and address of the secured party;

(II) the name and address of the person indebted to the secured party;

(III) the social security number of the debtor or, in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of such debtor;

(IV) a description of the farm products subject to the security interest created by the debtor, including the amount of such products where applicable, crop year, county or parish, and a reasonable description of the property; and

(iii) must be amended in writing, within 3 months, similarly signed and transmitted, to reflect material changes;

(iv) will lapse on either the expiration period of the statement or the transmission of a notice signed by the secured party that the statement has lapsed, whichever occurs first; and

(v) any payment obligations imposed on the buyer by the secured party as conditions for waiver or release of the security interest; and

(B) the buyer has failed to perform the payment obligations, or

(2) in the case of a farm product produced in a State that has established a central filing system—

(A) the buyer has failed to register with the Secretary of State of such State prior to the purchase of farm products; and

(B) the secured party has filed an effective financing statement or notice that covers the farm products being sold; or

(3) in the case of a farm product produced in a State that has established a central filing system, the buyer—

(A) receives from the Secretary of State of such State written notice as provided in subparagraph (c)(2)(E) or (c)(2)(F) that specifies both the seller and the farm product being sold by such seller as being subject to an effective financing statement or notice; and

(B) does not secure a waiver or release of the security interest specified in such effective financing statement or

notice from the secured party by performing any payment obligation or otherwise; and

(f) What constitutes receipt, as used in this section, shall be determined by the law of the State in which the buyer resides.

(g)(1) Except as provided in paragraph (2) and notwithstanding any other provision of Federal, State, or local law, a commission merchant or selling agent who sells, in the ordinary course of business, a farm product for others, shall not be subject to a security interest created by the seller in such farm product even though the security interest is perfected and even though the commission merchant or selling agent knows of the existence of such interest.

Prohibition.

(2) A commission merchant or selling agent who sells a farm product for others shall be subject to a security interest created by the seller in such farm product if—

(A) within 1 year before the sale of such farm product the commission merchant or selling agent has received from the secured party or the seller written notice of the security interest; organized according to farm products, that—

(i) is an original or reproduced copy thereof;

(ii) contains,

(I) the name and address of the secured party;

(II) the name and address of the person indebted to the secured party;

(III) the social security number of the debtor or, in the case of a debtor doing business other than as an individual, the Internal Revenue Service taxpayer identification number of such debtor;

(IV) a description of the farm products subject to the security interest created by the debtor, including the amount of such products, where applicable, crop year, county or parish, and a reasonable description of the property, etc.; and

(iii) must be amended in writing, within 3 months, similarly signed and transmitted, to reflect material changes;

(iv) will lapse on either the expiration period of the statement or the transmission of a notice signed by the secured party that the statement has lapsed, whichever occurs first; and

(v) any payment obligations imposed on the commission merchant or selling agent by the secured party as conditions for waiver or release of the security interest; and

(B) the commission merchant or selling agent has failed to perform the payment obligations;

(C) in the case of a farm product produced in a State that has established a central filing system—

(i) the commission merchant or selling agent has failed to register with the Secretary of State of such State prior to the purchase of farm products; and

(ii) the secured party has filed an effective financing statement or notice that covers the farm products being sold; or

(D) in the case of a farm product produced in a State that has established a central filing system, the commission merchant or selling agent—

(i) receives from the Secretary of State of such State written notice as provided in subsection (c)(2)(E) or (c)(2)(F) that specifies both the seller and the farm products being

sold by such seller as being subject to an effective financing statement or notice; and

(ii) does not secure a waiver or release of the security interest specified in such effective financing statement or notice from the secured party by performing any payment obligation or otherwise.

(3) What constitutes receipt, as used in this section, shall be determined by the law of the State in which the buyer resides.

(h)(1) A security agreement in which a person engaged in farming operations creates a security interest in a farm product may require the person to furnish to the secured party a list of the buyers, commission merchants, and selling agents to or through whom the person engaged in farming operations may sell such farm product.

(2) If a security agreement contains a provision described in paragraph (1) and such person engaged in farming operations sells the farm product collateral to a buyer or through a commission merchant or selling agent not included on such list, the person engaged in farming operations shall be subject to paragraph (3) unless the person—

(A) has notified the secured party in writing of the identity of the buyer, commission merchant, or selling agent at least 7 days prior to such sale; or

(B) has accounted to the secured party for the proceeds of such sale not later than 10 days after such sale.

(3) A person violating paragraph (2) shall be fined \$5,000 or 15 per centum of the value or benefit received for such farm product described in the security agreement, whichever is greater.

Regulations.

(i) The Secretary of Agriculture shall prescribe regulations not later than 90 days after the date of enactment of this Act to aid States in the implementation and management of a central filing system.

Effective date.

(j) This section shall become effective 12 months after the date of enactment of this Act.

PROHIBITING COORDINATED FINANCIAL STATEMENT

Regulations.

Loans.

7 USC 1989 note.

SEC. 1325. The Secretary of Agriculture shall not use or require the submission of the coordinated financial statement referred to in the proposed regulations of the Farmers Home Administration published in the Federal Register of November 8, 1983 (48 F.R. 51312-51317) in connection with an application submitted on or after the date of the enactment of this Act for any loan under any program of the Department of Agriculture carried out by the Farmers Home Administration.

REGULATORY RESTRAINT

12 USC 2254
note.

SEC. 1326. (a) Congress finds and declares that—

(1) high production costs and low commodity prices have combined to reduce farm income to the lowest levels since the depths of the Depression in the 1930's, to subject many agricultural producers, through no fault of their own, to severe economic hardship, and in many cases temporarily but seriously to impair producers' ability to meet loan repayment schedules in a timely fashion; and

(2) a policy of adverse classification of agricultural loans by bank examiners under these circumstances will trigger a wave of foreclosures and similar actions on the part of banks, thereby

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banking.

depressing land values and prices for agricultural facilities and equipment and having a devastating effect on farmers and the banking industry, and upon rural areas of the United States in general.

(b) It is therefore the sense of Congress that the Federal bank regulatory agencies should ensure, in their examination procedures, that examiners exercise caution and restraint and give due consideration not only to the current cash flow of agricultural borrowers under financial stress, but to factors such as their loan collateral and ultimate ability to repay as well, for so long as the adverse economic effects of the cost-price squeeze of recent years continue to impair the ability of these borrowers to meet scheduled repayments on their loans.

Banks and
banking.
Loans.

STUDY OF FARM CREDIT SYSTEM

SEC. 1327. (a) The Farm Credit Administration shall conduct a study of the need for the establishment of a fund to be used—

(1) to insure institutions of the Farm Credit System against losses on loans made by such institutions; or

Loans.

(2) for any other purpose that would—

(A) assist in stabilizing the financial condition of such System; and

(B) provide for the protection of the capital that borrowers of such loans have invested in such System.

Loans.

(b) In conducting the study required under subsection (a), the Farm Credit Administration shall—

(1) consider the advisability of using the revolving funds provided for under section 4.1 of the Farm Credit Act of 1971 (12 U.S.C. 2152) to provide initial capital for the fund referred to in subsection (a); and

(2) estimate the amount and level of future assessments levied on institutions of the Farm Credit System that would be necessary to ensure the long-term liquidity of such fund.

(c) Not later than 180 days after the date of enactment of this Act, the Farm Credit Administration shall submit a report containing the results of the study required under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Report.

CONTINUATION OF SMALL FARMER TRAINING AND TECHNICAL ASSISTANCE PROGRAM

SEC. 1328. The Secretary of Agriculture shall, during the period beginning on the date of enactment of this Act and ending on September 30, 1988, maintain at substantially current levels the small farmer training and technical assistance program in the office of the Administrator of the Farmers Home Administration.

7 USC 1981 note.

STUDY OF FARM AND HOME PLAN

SEC. 1329. (a) The Secretary of Agriculture shall conduct a study of the appropriateness of the Farm and Home Plan (Form FmHA 431-2) used by the Farmers Home Administration in connection with loans made or insured under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

Loans.

(b) After carrying out such study, if the Secretary finds the plan is inappropriate, the Secretary shall—

(1) evaluate other alternative farm plan forms for use in connection with such loans;

(2) evaluate the need to develop a new farm plan form for such use; and

(3) specify the steps that should be taken to improve or replace the current form.

Report.

(c) Not later than 120 days after the date of enactment of this Act, the Secretary shall report the results of the study required under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

National
Agricultural
Research,
Extension, and
Teaching Policy
Act
Amendments of
1985.

TITLE XIV—AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

Subtitle A—General Provisions

SHORT TITLE

7 USC 3101 note.

SEC. 1401. This title may be cited as the “National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985”.

FINDINGS

SEC. 1402. Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended by—

(1) in paragraph (8)—

(A) striking out “and” at the end of subparagraph (N);

(B) inserting “and” at the end of subparagraph (O); and

(C) adding at the end thereof the following new subparagraph:

“(P) research on new or improved food processing (such as food irradiation) or value-added food technologies;”;

(2) in paragraph (10)—

(A) striking out “The research” and all that follows through the colon in the matter preceding the subparagraphs and inserting in lieu thereof the following: “The research, extension, and teaching programs must be maintained and constantly adjusted to meet ever-changing challenges. National support of cooperative research, extension, and teaching efforts must be reaffirmed and strengthened to meet major needs and challenges in the following areas:”;

(B) redesignating subparagraphs (B), (C), (D), (E), (F), and (G) as subparagraphs (C), (D), (F), (G), (H), and (I), respectively;

(C) inserting after subparagraph (A) the following new subparagraph:

“(B) AGRICULTURAL POLICY.—The effects of technological, economic, sociological, and environmental developments on the agricultural structure of the United States are strong and continuous. It is critical that emerging agricultural-related technologies, economic changes, and sociological and environmental developments, both national and international, be analyzed on a continuing basis in an interdisciplinary fashion to determine the effect of those forces

on the structure of agriculture and to improve agricultural policy decisionmaking.”;

(D) inserting after subparagraph (D) (as redesignated by subparagraph (B)) the following new subparagraph:

“(E) COORDINATION OF BIOTECHNOLOGY RESPONSIBILITIES OF FEDERAL GOVERNMENT.—Biotechnology guidelines and regulations must be made consistent throughout the Federal Government so they may promote scientific development and protect the public. The biotechnology risk assessment processes used by various Federal agencies must be standardized.”;

Regulations.

(E) striking out subparagraph (F) (as redesignated by subparagraph (B)) and inserting in lieu thereof the following new subparagraph:

“(F) NATURAL RESOURCES.—Improved management of soil, water, forest, and range resources is vital to maintain the resource base for food, fiber, and wood production. An expanded research program in the areas of soil and water conservation and forest and range production practices is needed to develop more economical and effective management systems. Key objectives of this research are—

Forests and
forest products.
Conservation.

“(i) incorporating water and soil-saving technologies into current and evolving production practices;

“(ii) developing more cost-effective and practical conservation technologies;

“(iii) managing water in stressed environments;

“(iv) protecting the quality of the surface water and groundwater resources of the United States;

“(v) establishing integrated multidisciplinary organic farming research projects, including research on alternative farming systems, that will identify options from which individual farmers may select the production components that are most appropriate for their individual situations;

“(vi) developing better targeted pest management systems; and

“(vii) improving forest and range management technologies that meet demands more efficiently, better protect multiresource options, and enhance quality of output.”;

(F) in subparagraph (G) (as redesignated by subparagraph (B))—

(i) striking out “to” before “the economy”; and

(ii) striking out “owner-operated” before “family farms”; and

(G) striking out subparagraph (I) (as redesignated by subparagraph (B)) and inserting in lieu thereof the following new subparagraph:

“(I) INTERNATIONAL FOOD AND AGRICULTURE.—United States agricultural production has proven its ability to produce abundant quantities of food for an expanding world population. Despite rising expectation for improved diets in the world today, there are instances of drought, civil unrest, economic crisis, or other conditions that preclude the local production or distribution of food. There are instances where localized problems impede the ability of farmers to produce needed food products. It is also recognized that

Schools and
colleges.

many nations have progressive and effective agricultural research programs that produce results of interest and applicability to United States agriculture. The exchange of knowledge and information between nations is essential to the well-being of all nations. A dedicated effort involving the Federal Government, the State cooperative institutions, and other colleges and universities is needed to expand international food and agricultural research, extension, and teaching programs. Improved cooperation and communication by the Department of Agriculture and the cooperators with international agricultural research centers, counterpart agencies, and universities in other nations are necessary to improve food and agricultural progress throughout the world.”;

(3) striking out the period at the end of paragraph (11) and inserting in lieu thereof “; and”; and

(4) adding at the end thereof the following new paragraph: “(12) the agricultural system of the United States—

“(A) is increasingly dependent on science and technology to maintain and improve productivity levels, manage the resource base, provide high quality products, and protect the environment; and

“(B) requires a constant source of food and agricultural scientific expertise to maintain this dynamic system.”.

Science and
technology.

DEFINITIONS

SEC. 1403. Section 1404(8) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(8)) is amended by—

(1) striking out “and” at the end of subparagraph (H);

(2) inserting “and” at the end of subparagraph (I); and

(3) adding at the end thereof the following new subparagraph:

“(J) international food and agricultural issues, such as agricultural development, development of institutions, germ plasm collection and preservation, information exchange and storage, and scientific exchanges;”.

RESPONSIBILITIES OF THE SECRETARY OF AGRICULTURE

SEC. 1404. Section 1405 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended by—

(1) striking out “and” at the end of paragraph (10); and

(2) striking out paragraph (11) and inserting in lieu thereof the following new paragraphs:

“(11) coordinate the efforts of States, State cooperative institutions, State extension services, the Joint Council, the Advisory Board, and other appropriate institutions in assessing the current status of, and developing a plan for, the effective transfer of new technologies, including biotechnology, to the farming community, with particular emphasis on addressing the unique problems of small- and medium-sized farms in gaining information about those technologies; and

“(12) establish appropriate controls with respect to the development and use of the application of biotechnology to agriculture.”.

Science and
technology.

JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES

SEC. 1405. (a) Section 1407(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(a)) is amended by striking out "1985" and inserting in lieu thereof "1990".

(b) Section 1407(b) of such Act is amended by inserting before the last sentence the following new sentence: "To ensure that the views of food technologists are considered by the Joint Council, one of the members of the Joint Council shall, as determined to be appropriate by the Secretary, be appointed by the Secretary from among distinguished persons who are food technologists from accredited or certified departments of food technology, as determined by the Secretary."

(c) Section 1407(d)(2) of such Act is amended by—

(1) striking out "and" at the end of subparagraph (F);

(2) striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new subparagraph:

"(H) coordinate with the Secretary in assessing the current status of, and developing a plan for, the effective transfer of new technologies to the farming community."

NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD

SEC. 1406. (a) Section 1408(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(a)) is amended by striking out "1985" and inserting in lieu thereof "1990".

(b) Section 1408(f)(2) of such Act (7 U.S.C. 3123(f)(2)) is amended by—

(1) striking out "and" at the end of subparagraph (E);

(2) striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new subparagraph:

"(G) coordinating with the Secretary in assessing the current status of, and developing a plan for, the effective transfer of new technologies to the farming community."

FEDERAL-STATE PARTNERSHIP

SEC. 1407. (a) The first sentence of section 1409A(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124a(a)) is amended by—

(1) striking out "and" at the end of paragraph (2);

(2) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following new paragraph:

"(4) international agricultural programs under title XII of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a et seq.)."

(b) Section 1409A of such Act is amended by adding at the end thereof the following new subsections:

"(d)(1) To promote research for purposes of developing agricultural policy alternatives, the Secretary is encouraged—

"(A) to designate at least one State cooperative institution to conduct research in an interdisciplinary fashion; and

“(B) to report on a regular basis with respect to the effect of emerging technological, economic, sociological, and environmental developments on the structure of agriculture.

“(2) Support for this effort should include grants to examine the role of various food production, processing, and distribution systems that may primarily benefit small- and medium-sized family farms, such as diversified farm plans, energy, water, and soil conservation technologies, direct and cooperative marketing, production and processing cooperatives, and rural community resource management.

“(e) To address more effectively the critical need for reducing farm input costs, improving soil, water, and energy conservation on farms and in rural areas, using sustainable agricultural methods, adopting alternative processing and marketing systems, and encouraging rural resources management, the Secretary is encouraged to designate at least one State agricultural experiment station and one Agricultural Research Service facility to examine these issues in an integrated and comprehensive manner, while conducting ongoing pilot projects contributing additional research through the Federal-State partnership.”.

REPORT OF THE SECRETARY OF AGRICULTURE

SEC. 1408. Section 1410 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3125) is amended by—

- (1) inserting “and” at the end of paragraph (2);
- (2) striking out “; and” at the end of paragraph (3) and inserting in lieu thereof a period; and
- (3) striking out paragraph (4).

COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS

SEC. 1409. (a)(1) The third sentence of section 2(b) of the Act entitled “An Act to facilitate the work of the Department of Agriculture, and for other purposes”, approved August 4, 1965 (7 U.S.C. 450i(b)), is amended by—

- (A) inserting “, with emphasis on biotechnology,” after “(2) research” in paragraph (2);
- (B) striking out “and” at the end of paragraph (5);
- (C) striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon; and
- (D) adding at the end thereof the following new paragraphs:
 - “(7) research to reduce farm input costs through the collection of national and international data and the transfer of appropriate technology relating to sustainable agricultural systems, soil, energy, and water conservation technologies, rural and farm resource management, and the diversification of farm product processing and marketing systems; and
 - “(8) research to develop new and alternative industrial uses for agricultural crops.”.

Science and
technology.
Conservation.

Prohibition.

(2) Section 2(b) of such Act is amended by inserting after the fourth sentence the following new sentence: “No grant may be made under this subsection for any purpose for which a grant may be made under subsection (d) or for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility.”.

(3) Effective October 1, 1985, section 2(b) of such Act is amended by striking out the last sentence and inserting in lieu thereof the following new sentences: "There are authorized to be appropriated, for the purpose of carrying out this subsection, \$70,000,000 for each of the fiscal years ending September 30, 1986, through September 30, 1990. Four percent of the amount appropriated for each of such fiscal years to carry out this subsection may be retained by the Secretary to pay administrative costs incurred by the Secretary to carry out this subsection."

Effective date.
7 USC 450i.

(b)(1) Section 2(c) of such Act is amended by inserting after the first sentence the following new sentence:

7 USC 450i.

"No grant may be made under this subsection for any purpose for which a grant may be made under subsection (d) or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility."

Prohibition.
Grants.

(2) Effective October 1, 1985, section 2(c) of such Act is amended by adding at the end thereof the following new sentence: "Four percent of the amount appropriated for any fiscal year to carry out this subsection may be retained by the Secretary to pay administrative costs incurred by the Secretary to carry out this subsection."

Effective date.

(c) Section 2 of such Act is amended by adding at the end thereof the following new subsection:

"(i) The Federal Advisory Committee Act (5 U.S.C. App. 2) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created for the purpose of reviewing applications or proposals submitted under this section."

Prohibition.

GRANTS FOR SCHOOLS OF VETERINARY MEDICINE

SEC. 1410. Section 1415(c)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151(c)(1)) is amended by striking out "Four" and inserting in lieu thereof "Five".

RESEARCH FACILITIES

SEC. 1411. (a) The first section of the Act entitled "An Act to assist the States to provide additional facilities for research at the State agricultural experiment stations", approved July 22, 1963 (7 U.S.C. 390), is amended by—

- (1) inserting "on a matching funds basis" after "funds";
- (2) inserting "and equipment" after "facilities"; and
- (3) striking out "an adequate research program" and inserting in lieu thereof "agricultural research and related academic programs".

(b) Section 2 of such Act (7 U.S.C. 390a) is amended by—

- (1) striking out "which are to become a part of such buildings"; and
- (2) inserting "matching" after "means of".

(c) Section 3 of such Act (7 U.S.C. 390b) is amended by—

- (1) striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands of the United States;"; and

(2) in paragraph (2), inserting “, forestry, or veterinary medicine” after “to conduct agricultural”.

(d)(1) Effective October 1, 1985, subsection (a) of section 4 of such Act (7 U.S.C. 390c(a)) is amended to read as follows:

“(a) There are authorized to be appropriated, for grants to eligible institutions under this Act to be used for the purpose set out in section 2, \$20,000,000 for each of the fiscal years ending September 30, 1986, through September 30, 1990.”

(2) Subsection (b) of section 4 of such Act is amended to read as follows:

“(b) No grant may be made under section 2 for an amount exceeding a percentage determined by the Secretary of the cost of the project for which such grant is made. The remaining cost of such project shall be paid with funds from non-Federal sources.”

(e) The first sentence of section 5 of such Act (7 U.S.C. 390d) is amended by—

(1) striking out “apportioned”; and

(2) striking out “, which are to become part of such buildings”.

(f) Section 6 of such Act (7 U.S.C. 390e) is repealed.

(g) Section 7 of such Act (7 U.S.C. 390f) is amended by—

(1) inserting “equipment and” after “multiple-purpose”; and

(2) inserting “and related programs, including forestry and veterinary medicine,” after “research”.

(h) Section 8 of such Act (7 U.S.C. 390g) is repealed.

(i)(1) The first sentence of section 9(a) of such Act (7 U.S.C. 390h(a)) is amended by—

(A) striking out “authorized to receive” and inserting in lieu thereof “that receives”; and

(B) striking out “section 4” and inserting in lieu thereof “section 2”; and

(C) striking out “section 4(b)” and inserting in lieu thereof “section 3(2)”.

(2) Section 9(b) of such Act (7 U.S.C. 390h(b)) is amended by—

(A) striking out “allotted funds received” and inserting in lieu thereof “funds received under this Act”; and

(B) striking out “allocated or”.

(j) Clause (3) of section 10 of such Act (7 U.S.C. 390i) is amended to read as follows: “(3) those eligible institutions, if any, that were prevented, because of failure to repay funds as required by section 7(b), from receiving any grant under this Act”.

(k) Sections 7, 9, 10, and 11 of such Act (7 U.S.C. 390f, 390h, 390i, 390j) are redesignated as sections 6, 7, 8, and 9, respectively.

(l) Such Act (7 U.S.C. 390 et seq.) is amended by adding at the end thereof the following new section:

“SEC. 10. This Act may be cited as the ‘Research Facilities Act’.”

GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION

SEC. 1412. (a) Section 1417(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(a)) is amended by—

(1) in the second sentence of paragraph (2), striking out “Such grants shall be made without regard to matching funds, but each” and inserting in lieu thereof “Each”; and

(2) striking out the last sentence of paragraph (3) and inserting in lieu thereof the following new sentence:

7 USC 390e.

Prohibition.
Grants.
Ante, p. 1547.

Repeal.

Repeal.

Research
Facilities Act.
7 USC 390 note.

"Each recipient institution shall have a significant ongoing commitment to the food and agricultural sciences generally and to the specific subject area for which such grant is to be used."

(b) Subsection (d) of section 1417 of such Act is amended to read as follows: 7 USC 3152.

"(d) There are authorized to be appropriated for purposes of carrying out this section \$50,000,000 for each of the fiscal years ending September 30, 1982, through September 30, 1990."

(c) Section 1417 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Federal Advisory Committee Act (5 U.S.C. App. 2) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created for the purpose of reviewing applications or proposals submitted under this section." Prohibition.

FOOD AND HUMAN NUTRITION RESEARCH AND EXTENSION PROGRAM

SEC. 1413. Sections 1424 and 1427 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174 and 3177) are repealed. Repeal.

ANIMAL HEALTH AND DISEASE RESEARCH

SEC. 1414. (a) The first sentence of section 1432(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3194(a)) is amended by striking out "1985" and inserting in lieu thereof "1990".

(b) The first sentence of section 1433(a) of such Act (7 U.S.C. 3195(a)) is amended by striking out "1985" and inserting in lieu thereof "1990".

(c) Section 1434(a) of such Act (7 U.S.C. 3196(a)) is amended by striking out "1985" and inserting in lieu thereof "1990".

EXTENSION AT 1890 LAND-GRANT COLLEGES

SEC. 1415. The third sentence of section 1444(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)) is amended by—

(1) striking out " , through the fiscal year ending September 30, 1985,"; and

(2) inserting before the period at the end thereof the following: " , and related acts pertaining to cooperative extension work at the land-grant institutions identified in the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.)".

GRANTS TO UPGRADE 1890 LAND-GRANT COLLEGE EXTENSION FACILITIES

SEC. 1416. (a) It is the intent of Congress to assist institutions eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee Institute (hereafter in this section referred to as "eligible institutions"), in the acquisition and improvement of extension facilities and equipment so that eligible institutions may participate fully with the State cooperative extension services in a balanced way in meeting the extension needs of the people of their respective States.

(b) There are authorized to be appropriated for the purpose of carrying out this section \$10,000,000 for each of the fiscal years

Tuskegee
Institute.
7 USC 3224.

ending September 30, 1986, through September 30, 1990, such sums to remain available until expended.

(c) Four percent of the sums appropriated under this section shall be available to the Secretary of Agriculture for administration of the grants program under this section. The remaining funds shall be made available for grants to the eligible institutions for the purpose of assisting the institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings, to provide adequate facilities to conduct extension work in their respective States.

(d) Grants awarded under this section shall be made in such amounts and under such terms and conditions as the Secretary of Agriculture shall determine necessary for carrying out this section.

Prohibition.

(e) Federal funds provided under this section may not be used for the payment of any overhead costs of the eligible institutions.

Regulations.

(f) The Secretary of Agriculture may promulgate such rules and regulations as the Secretary considers necessary to carry out this section.

RESEARCH AT 1890 LAND-GRANT COLLEGES

Prohibition.

SEC. 1417. (a) Section 1445(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)) is amended by adding at the end thereof the following new sentence: "No more than 5 percent of the funds received by an institution in any fiscal year, under this section, may be carried forward to the succeeding fiscal year."

(b) Paragraph (2) of section 1445(g) is amended to read as follows:

"(2) If it appears to the Secretary from the annual statement of receipts and expenditures of funds by any eligible institution that an amount in excess of 5 percent of the preceding annual appropriation allotted to that institution under this section remains unexpended, such amount in excess of 5 percent of the preceding annual appropriation allotted to that institution shall be deducted from the next succeeding annual allotment to the institution."

INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION

SEC. 1418. Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended by—

(1) in paragraph (3), striking out "the training of" and inserting in lieu thereof "providing technical assistance, training, and advice to"; and

(2) in paragraph (4), inserting "through the development of highly qualified scientists with specialization in international development" after "countries".

INTERNATIONAL TRADE DEVELOPMENT CENTERS

Effective date.

SEC. 1419. (a) Effective October 1, 1985, the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by inserting, after section 1458, the following:

"GRANTS TO STATES FOR INTERNATIONAL TRADE DEVELOPMENT CENTERS

7 USC 3292.

"SEC. 1458A. (a) The Secretary shall establish and carry out a program to make grants to States for the establishment and oper-

ation of international trade development centers, or the expansion of existing international trade development centers, in the United States to enhance the exportation of agricultural products and related products. Such grants shall be based on a matching formula of 50 per centum Federal and 50 per centum State funding (including funds received by the State from private sources and from units of local government).

“(b) In making grants under subsection (a), the Secretary shall give preference to States that intend to use, as sites for international trade development centers, land-grant colleges and universities (as defined in section 1404(10) of this Act) that—

Schools and colleges.

“(1) operate agricultural programs;

“(2) have existing international trade programs that use an interdisciplinary approach and are operated jointly with State and Federal agencies to address international trade problems; and

“(3) have an effective and progressive communications system that might be linked on an international basis to conduct conferences or trade negotiations.

“(c) Such centers may—

“(1) through research, establish a permanent data base to address the problems faced by potential exporters, including language barriers, interaction with representatives of foreign governments, transportation of goods and products, insurance and financing within foreign countries, and collecting international marketing data;

Transportation.
Marketing.

“(2) be used to house permanent or temporary exhibits that will stimulate and educate trade delegations from foreign nations with respect to agricultural products and related products produced in the United States and be made available for use by State and regional entities for exhibits, trade seminars, and negotiations involving such products; and

“(3) carry out such other activities relating to the exportation of agricultural products and related products as the Secretary may approve.

“(d) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section.”

(b) Effective October 1, 1985, the table of contents of the Food and Agriculture Act of 1977 is amended by inserting a new item:

Effective date.

“Sec. 1458A. Grants to States for international trade development centers.”
after the item

“Sec. 1458. International agricultural research and extension.”

AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND

SEC. 1420. (a) The Secretary of Agriculture shall undertake discussions with representatives of the Government of Ireland that may lead to an agreement that will provide for the development of a program between the United States and Ireland whereby there will be—

(1) a greater exchange of—

(A) agricultural scientific and educational information, techniques, and data;

Science and technology.

(B) agricultural marketing information, techniques, and data; and

Marketing.

(C) agricultural producer, student, teacher, agribusiness (private and cooperative) personnel; and

(2) the fostering of joint investment ventures, cooperative research, and the expansion of United States trade with Ireland.

(b) The Secretary shall periodically report to the Chairman of the Committee on Agriculture of the House of Representatives and the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate to keep such Committees apprised of the progress and accomplishments, and such other information as the Secretary considers appropriate, with regard to the development of such program.

STUDIES

Repeal.

SEC. 1421. Sections 1459, 1460, 1461, and 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3301, 3302, 3303, and 3304) are repealed.

AUTHORIZATION FOR APPROPRIATIONS FOR CERTAIN AGRICULTURAL RESEARCH PROGRAMS

Effective date.

SEC. 1422. (a) Effective October 1, 1985, section 1463(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(a)) is amended by striking out “\$505,000,000” and all that follows through “subsequent fiscal year” and inserting in lieu thereof “\$600,000,000 for the fiscal year ending September 30, 1986, \$610,000,000 for the fiscal year ending September 30, 1987, \$620,000,000 for the fiscal year ending September 30, 1988, \$630,000,000 for the fiscal year ending September 30, 1989, and \$640,000,000 for the fiscal year ending September 30, 1990”.

Effective date.

(b) Effective October 1, 1985, section 1463(b) of such Act (7 U.S.C. 3311(b)) is amended by striking out “\$120,000,000” and all that follows through “subsequent fiscal year” and inserting in lieu thereof “\$270,000,000 for the fiscal year ending September 30, 1986, \$280,000,000 for the fiscal year ending September 30, 1987, \$290,000,000 for the fiscal year ending September 30, 1988, \$300,000,000 for the fiscal year ending September 30, 1989, and \$310,000,000 for the fiscal year ending September 30, 1990”.

AUTHORIZATION FOR APPROPRIATIONS FOR EXTENSION EDUCATION

Effective date.

SEC. 1423. Effective October 1, 1985, section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking out “\$260,000,000” and all that follows through “subsequent fiscal year” and inserting in lieu thereof “\$370,000,000 for the fiscal year ending September 30, 1986, \$380,000,000 for the fiscal year ending September 30, 1987, \$390,000,000 for the fiscal year ending September 30, 1988, \$400,000,000 for the fiscal year ending September 30, 1989, and \$420,000,000 for the fiscal year ending September 30, 1990”.

CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS

SEC. 1424. Section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318) is amended by—

(1) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) inserting after subsection (a) the following new subsection:

“(b)(1) Notwithstanding chapter 63 of title 31, United States Code, the Secretary may use a cooperative agreement as the legal instrument reflecting a relationship between the Secretary and a State cooperative institution, State department of agriculture, college, university, other research or educational institution or organization, Federal or private agency or organization, individual, or any other party, if the Secretary determines that—

Schools and
colleges.
31 USC 6301
et seq.

“(A) the objectives of the agreement will serve a mutual interest of the parties to the agreement in agricultural research, extension, and teaching activities, including statistical reporting; and

“(B) all parties will contribute resources to the accomplishment of those objectives.

“(2) Notwithstanding any other provision of law, any Federal agency may participate in any such cooperative agreement by contributing funds through the appropriate agency of the Department of Agriculture or otherwise if it is mutually agreed that the objectives of the agreement will further the authorized programs of the contributing agency.”.

INDIRECT COSTS

SEC. 1425. Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319) is amended by adding at the end thereof the following new sentences: “The prohibition on the use of such funds for the reimbursement of indirect costs shall not apply to funds for international agricultural programs conducted by a State cooperative institution and administered by the Secretary or to funds provided by a Federal agency for such cooperative program or project through a fund transfer, advance, or reimbursement. The Secretary shall limit the amount of such reimbursement to an amount necessary to carry out such program or agreement.”.

COST-REIMBURSABLE AGREEMENTS

SEC. 1426. The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1473 (7 U.S.C. 3319) the following new section:

Supra.

“COST-REIMBURSABLE AGREEMENTS

“SEC. 1473A. Notwithstanding any other provision of law, the Secretary of Agriculture may enter into cost-reimbursable agreements with State cooperative institutions without regard to any requirement for competition, for the acquisition of goods or services, including personal services, to carry out agricultural research, extension, or teaching activities of mutual interest. Reimbursable costs under such agreements shall include the actual direct costs of performance, as mutually agreed on by the parties, and the indirect costs of performance, not exceeding 10 percent of the direct cost.”.

7 USC 3319a.

TECHNOLOGY DEVELOPMENT

SEC. 1427. The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (as amended by section 1425) is

Ante, p. 1553. amended by inserting after section 1473A the following new sections:

“TECHNOLOGY DEVELOPMENT FOR SMALL- AND MEDIUM-SIZED FARMING OPERATIONS

7 USC 3319b. **“SEC. 1473B.** It is the sense of Congress that the agricultural research, extension, and teaching activities conducted by the Secretary of Agriculture relating to the development, application, transfer, or delivery of agricultural technology, and, to the greatest extent practicable, any funding that is received by the Secretary of Agriculture for such activities, should be directed to technology that can be used effectively by small- and medium-sized farming operations.

“SPECIAL TECHNOLOGY DEVELOPMENT RESEARCH PROGRAM

7 USC 3319c.
31 USC 6301
et seq. **“SEC. 1473C.** (a) Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a private agency, organization, or individual to share the cost of a research project, or to allow the use of a Federal facility or service on a cost-sharing or cost reimbursable basis, to develop new agricultural technology to further a research program of the Secretary.

Prohibition. **“(b)** For each of the fiscal years ending September 30, 1986, through September 30, 1990, not more than \$3,000,000 of the funds appropriated to the Agricultural Research Service for such fiscal year may be used to carry out this section.

“(c)(1) To be eligible to receive a contribution under this section, matching funds in an amount equal to at least 50 percent of such contribution shall be provided from non-Federal sources by the recipient or recipients of such contribution.

“(2) Funds received by the Secretary under this section shall be deposited in a separate account or accounts, to be available until expended. Such funds may be used to pay directly the costs of such research projects and to repay or make advances to appropriations or funds that do or will initially bear all or part of such costs.

Prohibition. **“(3)** The amount of funds or in kind assistance that may be made available under this section by the Secretary for a particular research project may not exceed—

“(A) an amount of \$50,000 in any fiscal year; or

“(B) a total amount of \$150,000.”.

SUPPLEMENTAL AND ALTERNATIVE CROPS

Supra. **SEC. 1428.** The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 *et seq.*) (as amended by section 1426) is amended by inserting after section 1473C the following new section:

“SUPPLEMENTAL AND ALTERNATIVE CROPS

7 USC 3319d. **“SEC. 1473D.** (a) Notwithstanding any other provision of law, during the period beginning October 1, 1986, and ending September 30, 1990, the Secretary shall develop and implement a research and pilot project program for the development of supplemental and alternative crops, using such funds as are appropriated to the Secretary each fiscal year under this title.

“(b) The development of supplemental and alternative crops is of critical importance to producers of agricultural commodities whose livelihood is threatened by the decline in demand experienced with respect to certain of their crops due to changes in consumption patterns or other related causes.

“(c)(1) The Secretary shall use such research funding, special or competitive grants, or other means, as the Secretary determines, to further the purposes of this section in the implementation of a comprehensive and integrated program. Grants.

“(2) The program developed and implemented by the Secretary shall include—

“(A) an examination of the adaptation of supplemental and alternative crops;

“(B) the establishment and extension of various methods of planting, cultivating, harvesting, and processing supplemental and alternative crops at pilot sites in areas adversely affected by declining demand for crops grown in the area;

“(C) the transfer of such applied research from pilot sites to on-farm practice as soon as practicable;

“(D) the establishment through grants, cooperative agreements, or other means of such processing, storage, and transportation facilities near such pilot sites for supplemental and alternative crops as the Secretary determines will facilitate the achievement of a successful pilot program; and Grants.

“(E) the application of such other resources and expertise as the Secretary considers appropriate to support the program.

“(3) The pilot program may include, but shall not be limited to, agreements, grants, and other arrangements— Prohibition. Grants.

“(A) to conduct comprehensive resource and infrastructure assessments;

“(B) to develop and introduce supplemental and alternative income-producing crops;

“(C) to develop and expand domestic and export markets for such crops; and

“(D) to provide technical assistance to farm owners and operators, marketing cooperatives, and others.

“(d) The Secretary shall use the expertise and resources of the Agricultural Research Service, the Cooperative State Research Service, the Extension Service, and the land-grant colleges and universities for the purpose of carrying out this section.”. Schools and colleges.

AQUACULTURE

SEC. 1429. (a) Section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322) is amended by—

(1) in the first sentence of subsection (b)—

(A) striking out “and” at the end of paragraph (2);

(B) inserting “and” after the semicolon at the end of paragraph (3); and

(C) inserting after paragraph (3) the following new paragraph:

“(4) nonprofit private research institutions;”;

(2) in the last sentence of subsection (b), inserting “(of which amount an in-kind contribution may not exceed 50 percent)” after “matching grant”; Prohibition.

(3) in the first sentence of subsection (d), striking out “State agencies” and all that follows through “universities,” and inserting in lieu thereof “any of the non-Federal entities specified in subsection (b)”;

(4) adding at the end of subsection (d) the following new sentence: “To the extent practicable, the aquaculture research, development, and demonstration centers established under this subsection shall be geographically located so that they are representative of the regional aquaculture opportunities in the United States.”; and

(5) in the first sentence of subsection (e), inserting “the House Committee on Merchant Marine and Fisheries,” after “House Committee on Agriculture.”

Repeal.

(b) Section 1476 of such Act (7 U.S.C. 3323) is repealed.

(c) Section 1477 of such Act (7 U.S.C. 3324) is amended to read as follows:

“AUTHORIZATION FOR APPROPRIATIONS

“SEC. 1477. There is authorized to be appropriated \$7,500,000 for each fiscal year beginning after the effective date of this subtitle, and ending with the fiscal year ending September 30, 1990.”.

RANGELAND RESEARCH

SEC. 1430. (a) The first sentence of section 1482(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3335(a)) is amended by striking out “1985” and inserting in lieu thereof “1990”.

(b) Section 1483(a) of such Act (7 U.S.C. 3336(a)) is amended by striking out “1985” and all that follows through “subsequent fiscal year” and inserting in lieu thereof “1990”.

AUTHORIZATION FOR APPROPRIATIONS FOR FEDERAL AGRICULTURAL RESEARCH FACILITIES

SEC. 1431. (a) There are authorized to be appropriated for each of the fiscal years ending September 30, 1988, through September 30, 1990, such sums as may be necessary for the planning, construction, acquisition, alteration, and repair of buildings and other public improvements, including the cost of acquiring or obtaining rights to use land, of or used by the Agricultural Research Service, except that—

Prohibition. (1) the cost of planning any one facility shall not exceed \$500,000; and

Prohibition. (2) the total cost of any one facility shall not exceed \$5,000,000.

(b) Not later than 60 days after the end of each of the fiscal years ending September 30, 1986, through September 30, 1990, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report specifying—

(1) the location of each building, laboratory, research facility, and other public improvement of or to be used by the Agricultural Research Service that is planned, constructed, acquired, repaired, or remodeled, with funds appropriated under subsection (a), in the fiscal year involved; and

(2) with respect to each such building, laboratory, research facility, and improvement—

(A) the amount of such funds obligated in the fiscal year; and

(B) the amount of such funds expended in the fiscal year for such item.

DAIRY GOAT RESEARCH

SEC. 1432. Effective October 1, 1985, section 1432(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (7 U.S.C. 3222 note) is amended by striking out “September” the first place it appears and all that follows through “1985” and inserting in lieu thereof “September 30, 1986, through September 30, 1990”.

Effective date.

GRANTS TO UPGRADE 1890 LAND-GRANT COLLEGE RESEARCH FACILITIES

SEC. 1433. (a) Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (7 U.S.C. 3223(a)) is amended by inserting “, including agricultural libraries,” after “equipment”.

Libraries.

(b) Section 1433(b) of such Act (7 U.S.C. 3223(b)) is amended by—

(1) striking out “and” after “1985,”; and

(2) inserting “and September 30, 1987,” after “1986,”.

SOYBEAN RESEARCH ADVISORY INSTITUTE

SEC. 1434. Section 1446 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (7 U.S.C. 2281 note) is repealed.

Repeal.

SMITH-LEVER ACT

SEC. 1435. (a) Section 2 of the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 342) (hereafter in this section referred to as the Smith-Lever Act) (7 U.S.C. 342) is amended by—

7 USC 341 note.

(1) inserting “development of practical applications of research knowledge and” after “consist of the”; and

(2) inserting “of existing or improved practices or technologies” after “practical demonstrations”.

(b) Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended by adding at the end thereof the following:

“(f)(1) The Secretary of Agriculture may conduct educational, instructional, demonstration, and publication distribution programs through the Federal Extension Service and enter into cooperative agreements with private nonprofit and profit organizations and individuals to share the cost of such programs through contributions from private sources as provided in this subsection.

Education.

“(2) The Secretary may receive contributions under this subsection from private sources for the purposes described in paragraph (1) and provide matching funds in an amount not greater than 50 percent of such contributions.

Prohibition.

(c)(1) The Secretary of Agriculture shall conduct a study to determine whether any funds that are—

Study.

(A) appropriated after the date of the enactment of this Act to carry out the Smith-Lever Act (7 U.S.C. 341 et seq.), other than section 8 of such Act (7 U.S.C. 347a); and

7 USC 347a. (B) in excess of the aggregate amount appropriated to carry out the Smith-Lever Act (other than section 8 of such Act) in the fiscal year ending September 30, 1985, can be allocated more effectively among the States.

Report. (2) Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report summarizing the results of such study and containing the recommendations of the Secretary regarding the allocation of such funds.

Effective date. 7 USC 343 note. (d) This section and the amendments made by this section shall become effective on October 1, 1985.

MARKET EXPANSION RESEARCH

Transportation. 7 USC 1632. SEC. 1436. (a) The Secretary of Agriculture, using available funds, shall increase and intensify research programs conducted by or for the Department of Agriculture that are directed at developing technology to overcome barriers to expanded sales of United States agricultural commodities and the products thereof in domestic and foreign markets, including research programs for the development of procedures to meet plant quarantine requirements and improvement in the transportation and handling of perishable agricultural commodities.

Forests and forest products. (b)(1) The Secretary of Agriculture shall conduct a research and development program to formulate new uses for farm and forest products. Such program shall include, but not be limited to, research and development of industrial, new, and value-added products.

Schools and colleges. Contracts. (2) To the extent practicable, the Secretary of Agriculture shall carry out the program authorized in this subsection with colleges and universities, private industry, and Federal and State entities through a combination of grants, cooperative agreements, contracts, and interagency agreements.

(3)(A) There are authorized to be appropriated such sums as are necessary to carry out the program authorized under this subsection.

(B) In addition, the Secretary may use funds appropriated or made available to the Secretary under provisions of law other than subparagraph (A) to carry out such program.

Prohibition. (C) To the extent requests are made for matching funds under such program, the total amount of funds used by the Secretary to carry out the program under this subsection may not be less than \$10,000,000 for each of the fiscal years ending September 30, 1986, through September 30, 1990.

(4) Funds appropriated under subparagraph (A) or made available under subparagraph (B) may be transferred among appropriation accounts to carry out the purposes of the program authorized under this subsection.

Prohibition. (5) Notwithstanding any other provision of law, the Federal share of the cost of each research or development project funded under this subsection may not exceed 50 percent of the cost of such project.

PESTICIDE RESISTANCE STUDY

Report. SEC. 1437. (a) The Secretary of Agriculture is encouraged to conduct a study on the detection and management of pesticide

assistance and, within 1 year after the date of enactment of this Act, submit to the President and Congress a report on such study.

(b) The study shall include—

(1) a review of existing efforts to examine and identify the mechanisms, genetics, and ecological dynamics of target populations of insect and plant pests developing resistance to pesticides;

(2) a review of existing efforts to monitor current and historical patterns of pesticide resistance; and

(3) a strategy for the establishment of a national pesticide resistance monitoring program, involving Federal, State, and local agencies, as well as the private sector.

EXPANSION OF EDUCATION STUDY

SEC. 1438. (a) The Secretary of Agriculture and the Secretary of Education are authorized to take such joint action as may be necessary to expand the scope of the study, known as the Study of Agriculture Education on the Secondary Level, currently being conducted by the National Academy of Sciences and sponsored jointly by the Departments of Agriculture and Education to include—

(1) a study of the potential use of modern technology in the teaching of agriculture programs at the secondary school level; and

Science and
technology.

(2) recommendations of the National Academy of Sciences on how modern technology can be most effectively utilized in the teaching of agricultural programs at the secondary school level.

Science and
technology.

(b) Any increase in the cost of conducting such study as a result of expanding the scope of such study pursuant to subsection (a) shall be borne by the Secretary of Agriculture out of funds appropriated to the Department of Agriculture for research and education or from funds made available to the National Academy of Sciences from private sources to expand the scope of such study.

CRITICAL AGRICULTURAL MATERIALS

SEC. 1439. (a) Section 5(b)(9) of the Critical Agricultural Materials Act (7 U.S.C. 178c(b)(9)) is amended by inserting “, carrying out demonstration projects to promote the development or commercialization of such crops (including projects designed to expand domestic or foreign markets for such crops),” after “purposes,”.

98 Stat. 182.

(b) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

“(d) Notwithstanding any other provision of law, in carrying out a demonstration project referred to in subsection (b)(9), the Secretary may—

“(1) enter into a contract or cooperative agreement with, or provide a grant to, any person, or public or private agency or organization, to participate in, carry out, support, or stimulate such project;

Contracts.
Grants.

“(2) make available for purposes of clause (1) agricultural commodities or the products thereof acquired by the Commodity Credit Corporation under price support operations conducted by the Corporation; or

“(3) use any funds appropriated pursuant to section 16(a), or any funds provided by any person, or public or private agency or

98 Stat. 184.
7 USC 178n.

organization, to carry out such project or reimburse the Commodity Credit Corporation for agricultural commodities or products that are utilized in connection with such project.”.

SPECIAL GRANTS FOR FINANCIALLY STRESSED FARMERS AND DISLOCATED FARMERS

SEC. 1440. (a) Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by inserting at the end thereof the following new subsection:

“(f) SPECIAL GRANTS FOR FINANCIALLY STRESSED FARMERS AND DISLOCATED FARMERS.—(1)(A) The Secretary shall provide special grants for programs to develop income alternatives for farmers who have been adversely affected by the current farm and rural economic crisis and those displaced from farming.

“(B) Such programs shall consist of educational and counseling services to farmers to—

“(i) assess human and nonhuman resources;

“(ii) assess income earning alternatives;

“(iii) identify resources and opportunities available to the farmer in the local community, county, and State;

“(iv) implement financial planning and management strategies; and

“(v) provide linkages to specific resources and opportunities that are available to the farmer, such as reentering agriculture, new business opportunities, other off-farm jobs, job search programs, and retraining skills.

“(C) The Secretary also may provide support to mental health officials in developing outreach programs in rural areas.

“(2) Grants may be made under paragraph (1) during the period beginning on the date of enactment of the Food Security Act of 1985 and ending 3 years after such date.”.

(b) Section 503(c) of such Act (7 U.S.C. 2663(c)) is amended by inserting “and section 502(f)” after “section 502(e)” both times it appears.

ANNUAL REPORT ON FAMILY FARMS

SEC. 1441. Section 102(b) of the Food and Agriculture Act of 1977 (7 U.S.C. 2266(b)) is amended by—

(1) designating the first and second sentences as paragraphs (1) and (2), respectively; and

(2) amending paragraph (2) (as so designated) to read as follows:

“(2) The Secretary shall also include in each such report—

“(A) information on how existing agricultural and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States;

“(B) an assessment of how tax, credit, and other current Federal income, excise, estate, and other tax laws, and proposed changes in such laws, may affect the structure and organization of, returns to, and investment opportunities by family and nonfamily farm owners and operators, both foreign and domestic;

“(C) identification and analysis of new food and agricultural production and processing technological developments, espe-

Education.

Science and
technology.

cially in the area of biotechnology, and evaluation of the potential effect of such developments on—

“(i) the economic structure of the family farm system;
 “(ii) the competitive status of domestically-produced agricultural commodities and foods in foreign markets; and
 “(iii) the achievement of Federal agricultural program objectives;

“(D) an assessment of the credit needs of family farms and the extent to which those needs are being met, and an analysis of the effects of the farm credit situation on the economic structure of the family farm system;

“(E) an assessment of how economic policies and trade policies of the United States affect the financial operation of, and prospects for, family farm operations;

“(F) an assessment of the effect of Federal farm programs and policies on family farms and non-family farms that—

“(i) derive the majority of their income from non-farm sources; and

“(ii) derive the majority of their income from farming operations; and

“(G) such other information as the Secretary considers appropriate or determines would aid Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.”.

CONFORMING AMENDMENTS TO TABLES OF CONTENTS

SEC. 1442. (a) The table of contents of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 913) (as amended by sections 3, 1420, 1425, 1426, 1427, and 1428(b)) is amended by—

(1) striking out the items relating to sections 1424, 1427, 1459, 1460, 1461, 1462, 1476;

(2) inserting after the item relating to section 1473 the following new items:

c. 1473A. Cost-reimbursable agreements.

c. 1473B. Technology development for small and medium-sized farming operations.

c. 1473C. Special technology development research program.

c. 1473D. Supplemental and alternative crops.”; and

(3) striking out the item relating to section 1477 and inserting in lieu thereof the following new item:

c. 1477. Authorization for appropriations.”.

b) The table of contents of the Agriculture and Food Act of 1981 (Public Law 97-98; 95 Stat. 1213) (as amended by section 1433) is amended by striking out the item relating to section 1446.

Subtitle B—Human Nutrition Research

FINDINGS

SEC. 1451. Congress finds that—

(1) nutrition and health considerations are important to United States agricultural policy;

(2) section 1405 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) designates the Department of Agriculture as the lead agency of the Federal Government for human nutrition research (except with respect

7 USC 3173
note.

Ante, p. 1544.

to the biomedical aspects of human nutrition concerned with diagnosis or treatment of disease);

(3) section 1423 of such Act (7 U.S.C. 3173) requires the Secretary of Agriculture to establish research into food and human nutrition as a separate and distinct mission of the Department of Agriculture;

(4) the Secretary has established a nutrition education program; and

(5) nutrition research continues to be of great importance to those involved in agricultural production.

HUMAN NUTRITION RESEARCH

7 USC 3173 note.

SEC. 1452. (a) Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture (hereafter in this subtitle referred to as the "Secretary") shall submit to the appropriate committees of Congress a comprehensive plan for implementing a national food and human nutrition research program, including recommendations relating to research directions, educational activities, and funding levels necessary to carry out such plan.

Report.

(b) Not later than 1 year after the date of the submission of the plan required under subsection (a), and each year thereafter, the Secretary shall submit to such committees an annual report on the human nutrition research activities conducted by the Secretary.

DIETARY ASSESSMENT AND STUDIES

7 USC 3173 note.

SEC. 1453. (a) The Secretary of Agriculture and the Secretary of Health and Human Services shall jointly conduct an assessment of existing scientific literature and research relating to—

(1) the relationship between dietary cholesterol and blood cholesterol and human health and nutrition; and

(2) dietary calcium and its importance in human health and nutrition.

In conducting the assessments under this subsection, the Secretaries shall consult with agencies of the Federal Government involved in related research. On completion of such assessments, the Secretaries shall each recommend such further studies as the Secretaries consider useful.

Report.

(b) Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of Health and Human Services shall each submit to the House Committees on Agriculture and Energy and Commerce and the Senate Committees on Agriculture, Nutrition, and Forestry and Labor and Human Resources a report that shall include the results of the assessments conducted under subsection (a) and recommendations made under such subsection, for more complete studies of the issues examined under such subsection, including a protocol, feasibility assessment, budget estimates and a timetable for such research as each Secretary shall consider appropriate.

Subtitle C—Agricultural Productivity Research

DEFINITIONS

7 USC 4701.

SEC. 1461. For purposes of this subtitle:

(1) The term "extension" shall have the same meaning given to such term by section 1404(7) of the National Agricultural

Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7)).

(2) The term "Secretary" means the Secretary of Agriculture.

(3) The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(4) The term "State agricultural experiment stations" shall have the meaning given to such term by section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101(13)).

7 USC 3103.

FINDINGS

SEC. 1462. Congress finds that—

(1) highly productive and efficient agricultural systems and sound conservation practices are essential to ensure the long-term agricultural viability and profitability of farms and ranches in the United States;

Conservation.
7 USC 4702.

(2) agricultural research and technology transfer activities of the Secretary (including activities of the Extension Service, the Agricultural Research Service, and the Cooperative State Research Service), State cooperative extension services, land-grant and other colleges and universities, and State agricultural experiment stations—

Schools and
colleges.

(A) have contributed greatly to innovation in agriculture; and

(B) have a continuing role to play in improving agricultural productivity;

(3) the annual irretrievable loss of billions of tons of precious topsoil through wind and water erosion reduces agricultural productivity;

(4) many farmers and ranchers are highly dependent on machines and energy resources for agricultural production;

(5) public funding of a properly planned and balanced agricultural research program is essential to improving efficiency in agricultural production and conservation practices; and

(6) expanded agricultural research and extension efforts are needed to assist farmers and ranchers to—

(A) improve agricultural productivity; and

(B) implement soil, water, and energy conservation practices.

Conservation.

PURPOSES

SEC. 1463. It is the purpose of this subtitle to—

7 USC 4703.

(1) facilitate and promote scientific investigation in order to—

(A) enhance agricultural productivity;

(B) maintain the productivity of land;

(C) reduce soil erosion and loss of water and plant nutrients; and

(D) conserve energy and natural resources; and

Conservation.

(2) facilitate the conduct of research projects in order to study agricultural production systems that—

(A) are located, to the extent practicable, in areas that possess various soil, climatic, and physical characteristics;

(B) have been, and will continue to be, managed using farm production practices that rely on—

(i) items purchased for the production of an agricultural commodity; and

Conservation.

(ii) a variety of conservation practices; and

(C) are subjected to a change from the practices described in subparagraph (B)(i) to the practices described in subparagraph (B)(ii).

INFORMATION STUDY

Reports.
7 USC 4704.
Post, p. 1565.

SEC. 1464. (a) Subject to section 1468, the Secretary shall inventory and classify by subject matter all studies, reports, and other materials developed by any person or governmental agency with the participation or financial assistance of the Secretary, that could be used to promote the purposes of this subtitle.

(b) In carrying out subsection (a), the Secretary shall—

Reports.

(1) identify, assess, and classify existing information and research reports that will further the purposes of this subtitle, including information and research relating to legume-crop rotation, the use of green manure, animal manures, and municipal wastes in agricultural production, soil acidity, liming in relation to nutrient release, intercropping, the role of organic matter in soil productivity and erosion control, the effect of topsoil loss on soil productivity, and biological methods of weed, disease, and insect control;

Reports.

(2) identify which of such reports provide useful information and make such useful reports available to farmers and ranchers; and

(3) identify gaps in such information and carry out a research program to fill such gaps.

RESEARCH PROJECTS

7 USC 4705.

SEC. 1465. (a) Subject to section 1468, in cooperation with Federal and State research agencies and agricultural producers, the Secretary shall conduct such research projects as are needed to obtain data, draw conclusions, and demonstrate technologies necessary to promote the purposes of this subtitle.

Studies.

(b) In carrying out subsection (a), the Secretary shall conduct projects and studies in areas that are broadly representative of United States agricultural production, including production on small farms.

(c) In carrying out subsection (a), the Secretary may conduct research projects involving crops, soils, production methods, and weed, insect, and disease pests on individual fields or other areas of land.

(d) In the case of a research project conducted under this section that involves the planting of a sequence of crops, the Secretary shall conduct such project for a term of—

(1) at least 5 years; and

(2) to the extent practicable, 12 to 15 years.

(e)(1) In coordination with the Extension Service and State cooperative extension services, the Secretary shall take such steps as are necessary to ensure that farmers and ranchers are aware of projects conducted under this section.

(2) The Secretary shall ensure that such projects are open for public observation at specified times.

(f)(1) Subject to paragraph (2), the Secretary may indemnify an operator of a project conducted under this section for damage incurred or undue losses sustained as a result of a rigid requirement for research or demonstration under such project that is not experienced in normal farming operations.

(2) An indemnity payment under paragraph (1) shall be subject to any agreement between a project grantee and operator entered into prior to the initiation of such project.

COORDINATION

SEC. 1466. The Secretary shall—

7 USC 4706.

(1) establish a panel of experts consisting of representatives of the Agricultural Research Service, Cooperative State Research Service, Soil Conservation Service, Extension Service, State cooperative extension services, State agricultural experiment stations, and other specialists in agricultural research and technology transfer; and

(2) ensure that a research project under this subtitle is designed after taking into consideration the views of such panel.

REPORTS

SEC. 1467. The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

7 USC 4707.

(1) not later than 180 days after the effective date of this subtitle, a report describing the design of research projects established in accordance with sections 1465 and 1466;

(2) not later than 15 months after the effective date of this subtitle, a report describing the results of the program carried out under section 1464; and

Ante, p. 1564;
supra.

(3) not later than April 1, 1987, and each April 1 thereafter, a report describing the progress of projects conducted under this subtitle, including—

Ante, p. 1564.

(A) a summary and analysis of data collected under such projects; and

(B) recommendations based on such data for new basic or applied research.

AGREEMENTS

SEC. 1468. The Secretary may carry out sections 1464 and 1465 through agreements with land-grant colleges or universities, other universities, State agricultural experiment stations, nonprofit organizations, or Federal or State governmental entities, that have demonstrated appropriate expertise in agricultural research and technology transfer.

Schools and
colleges.
7 USC 4708.

DISSEMINATION OF DATA

SEC. 1469. The Secretary shall—

7 USC 4709.

(1) make available through the Extension Service and State cooperative extension services—

(A) the information and research reports identified under section 1464; and

Schools and
colleges.

(B) the information and conclusions resulting from any research project conducted under section 1465; and

(2) otherwise take such steps as are necessary to ensure that such material is made available to the public.

AUTHORIZATION FOR APPROPRIATIONS

7 USC 4710.

SEC. 1470. There are authorized to be appropriated such sums as may be necessary to carry out this subtitle, to remain available until expended.

EFFECTIVE DATE

7 USC 4701 note.

SEC. 1471. This subtitle shall become effective on October 1, 1985.

TITLE XV—FOOD STAMP AND RELATED PROVISIONS

Subtitle A—Food Stamp Provisions

PUBLICLY OPERATED COMMUNITY MENTAL HEALTH CENTERS

SEC. 1501. (a) Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by—

(1) in subsection (f), striking out “which” and all that follows through “providing” and inserting in lieu thereof “, or a publicly operated community mental health center, under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) to provide”; and

(2) inserting “, or a publicly operated community mental health center,” after “private nonprofit institution” in the last sentence of subsection (i).

(b) Section 10 of such Act (7 U.S.C. 2019) is amended by inserting “publicly operated community mental health centers or” after “purchased, and”.

DETERMINATION OF FOOD SALES VOLUME

SEC. 1502. Section 3(k) of the Food Stamp Act of 1977 (7 U.S.C. 2012(k)) is amended by inserting after “food sales volume” in clause (1) the following: “, as determined by visual inspection, sales records, purchase records, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry.”.

THRIFTY FOOD PLAN

SEC. 1503. The first sentence of section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended by striking out “fifty-four” and inserting in lieu thereof “fifty”.

DEFINITIONS OF THE DISABLED

SEC. 1504. Section 3(r) of the Food Stamp Act of 1977 (7 U.S.C. 2012(r)) is amended by—

(1) inserting before the semicolon at the end of paragraph (2) the following: “, federally or State administered supplemental benefits of the type described in section 1616(a) of the Social Security Act if the Secretary determines that such benefits are conditioned on meeting the disability or blindness criteria used under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note)”;

42 USC 1382e.

42 USC 1381.

(2) inserting before the semicolon at the end of paragraph (3) the following: “or receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i))”;

(3) inserting “or non-service-connected” after “service-connected” in paragraph (4)(A);

(4) striking out “or” at the end of paragraph (5);

(5) striking out the period at the end of paragraph (6) and inserting in lieu thereof “; or”; and

(6) adding at the end thereof the following:

“(7) is an individual receiving an annuity under section 2(a)(1)(iv) or 2(a)(1)(v) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(a)(1)(iv) or 231a(a)(1)(v)), if the individual’s service as an employee under the Railroad Retirement Act of 1974, after December 31, 1936, had been included in the term ‘employment’ as defined in the Social Security Act, and if an application for disability benefits had been filed.”.

42 USC 1305.

STATE AND LOCAL SALES TAXES

SEC. 1505. (a) Section 4(a) of the Food Stamp Act of 1977 (7 U.S.C. 2013(a)) is amended by inserting before the period at the end of the first sentence the following: “, except that a State may not participate in the food stamp program if the Secretary determines that State or local sales taxes are collected within that State on purchases of food made with coupons issued under this Act”.

(b)(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect with respect to a State beginning on the first day of the fiscal year that commences in the calendar year during which the first regular session of the legislature of such State is convened following the date of enactment of this Act.

(2) Upon a showing by a State, to the satisfaction of the Secretary, that the application of paragraph (1), without regard to this paragraph, would have an adverse and disruptive effect on the administration of the food stamp program in such State or would provide inadequate time for retail stores to implement changes in sales tax policy required as a result of the amendment made by subsection (a), the Secretary may delay the effective date of subsection (a) with respect to such State to a date not later than October 1, 1987.

Effective date.
7 USC 2013 note.

RELATION OF FOOD STAMP AND COMMODITY DISTRIBUTION PROGRAMS

SEC. 1506. Section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) is amended by—

(1) striking out the first sentence; and

(2) striking out “also” in the second sentence.

CATEGORICAL ELIGIBILITY

SEC. 1507. (a)(1) Section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended by inserting after the first sentence the following: “Notwithstanding any other provisions of this Act except sections 6(b), 6(d)(2), and 6(g) and the third sentence of section 3(i), and during the period beginning on the date of the enactment of the Food Security Act of 1985 and ending on September 30, 1989, households in which each member receives benefits under a State plan approved under part A of title IV of the Social Security Act,

Blind persons.
Disabled
persons.

Post, pp. 1572,
1573;
ante, p. 1566.

42 USC 601.

42 USC 1381. supplemental security income benefits under title XVI of the Social Security Act, or aid to the aged, blind, or disabled under title I, X, XIV, or XVI of the Social Security Act, shall be eligible to participate in the food stamp program.”

42 USC 301, 1201, 1351. (2) During the period beginning on the date of the enactment of this Act and ending on September 30, 1989, section 5(j) of the Food Stamp Act of 1977 (7 U.S.C. 2014(j)) shall not apply.

Prohibition. (b) Section 11(i) of the Food Stamp Act of 1977 (7 U.S.C. 2020(i)) is amended by adding at the end thereof the following: “No household shall have its application to participate in the food stamp program denied nor its benefits under the food stamp program terminated solely on the basis that its application to participate has been denied or its benefits have been terminated under any of the programs carried out under the statutes specified in the second sentence of section 5(a) and without a separate determination by the State agency that the household fails to satisfy the eligibility requirements for participation in the food stamp program.”

Ante, p. 1567. (c) Not later than 2 years after the date of the enactment of this Act, the Secretary shall—

7 USC 2014 note. (1) evaluate the implementation of the second sentence of section 5(a) of the Food Stamp Act of 1977, as amended by subsection (a) of this section; and

Report. (2) submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report summarizing the results of such evaluation.

THIRD PARTY PAYMENTS

Post, p. 1569. SEC. 1508. Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended by—

(1) inserting “except as provided in subsection (k),” after “household,” in subsection (d)(1); and

State and local governments. (2) adding at the end thereof the following new subsection: “(k)(1) For purposes of subsection (d)(1), except as provided in paragraph (2), assistance provided to a third party on behalf of a household by a State or local government shall be considered money payable directly to the household if the assistance is provided in lieu of—

“(A) a regular benefit payable to the household for living expenses under a State plan for aid to families with dependent children approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(B) a benefit payable to the household for living expenses under—

“(i) a State or local general assistance program; or

“(ii) another basic assistance program comparable to general assistance (as determined by the Secretary).

Prohibition. “(2) Paragraph (1) shall not apply to—

“(A) medical assistance;

“(B) child care assistance;

“(C) energy assistance;

“(D) assistance provided by a State or local housing authority;

or

Regulations. “(E) emergency and special assistance, to the extent excluded in regulations prescribed by the Secretary.”

EXCLUDED INCOME

SEC. 1509. (a) Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)), as amended by section 1508, is amended by—

Ante, p. 1568;
infra.

(1) inserting “and except as provided in subsection (k),” after the comma at the end of clause (1);

(2) in clause (3)—

(A) striking out “higher education” and inserting in lieu thereof “post-secondary education”; and

(B) adding at the end thereof “and to the extent loans include any origination fees and insurance premiums,”;

Loans.

(3) inserting “no portion of any non-Federal educational loan on which payment is deferred, grant, scholarship, fellowship, veterans’ benefits, and the like that are provided for living expenses, and no portion of any Federal educational loan on which payment is deferred, grant, scholarship, fellowship, veterans’ benefits, and the like to the extent it provides income assistance beyond that used for tuition and mandatory school fees,” in the proviso to clause (5) after “child care expenses,”;

Prohibition.
Loans.
Grants.

(4) inserting “, but household income that otherwise is included under this subsection shall be reduced by the extent that the cost of producing self-employment income exceeds the income derived from self-employment as a farmer” before the comma in clause (9);

(5) inserting “except as otherwise provided in subsection (k) of this section” after “food stamp program” in clause (10).

(b) Section 5(k) of such Act, as added by section 1508, is amended by adding at the end thereof the following new paragraph:

“(3) For purposes of subsection (d)(1), educational loans on which payment is deferred, grants, scholarships, fellowships, veterans’ educational benefits, and the like that are provided to a third party on behalf of a household for living expenses shall be treated as money payable directly to the household.”

Loans.
Grants.

(c) Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014), as amended by section 1508, is amended by adding at the end thereof the following new subsection:

“(1) Notwithstanding section 142(b) of the Job Training Partnership Act (29 U.S.C. 1552(b)), earnings to individuals participating in on-the-job training programs under section 204(5) of the Job Training Partnership Act shall be considered earned income for purposes of the food stamp program, except for dependents less than 19 years of age.”

29 USC 1604.

CHILD SUPPORT PAYMENTS

SEC. 1510. Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014), as amended by sections 1508 and 1509—

(1) in subsection (d) by—

(A) striking out “and” at the end of clause (11); and

(B) inserting before the period at the end thereof the following: “, and (13) at the option of a State agency and subject to subsection (m), child support payments that are excluded under section 402(a)(8)(A)(vi) of the Social Security Act (42 U.S.C. 602(a)(8)(A)(vi))”; and

(2) adding at the end thereof the following new subsection:

“(m) If a State agency excludes payments from income for purposes of the food stamp program under subsection (d)(13), such State agency shall pay to the Federal Government, in a manner pre-

98 Stat. 1146.

scribed by the Secretary, the cost of any additional benefits provided to households in such State that arise under such program as the result of such exclusion.”.

DEDUCTIONS FROM INCOME

SEC. 1511. Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by—

(1) in the second sentence, striking out “homeownership component” and inserting in lieu thereof “homeowners’ costs and maintenance and repair component”;

(2) effective May 1, 1986, in the third sentence, striking out “18” and inserting in lieu thereof “20”;

(3) effective May 1, 1986, amending the fourth sentence by—

(A) amending the proviso to clause (2) to read as follows: “: *Provided*, That the amount of such excess shelter expense deduction shall not exceed \$147 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, \$256, \$210, \$179, and \$109 a month, respectively, adjusted on October 1, 1986, and on each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the shelter (exclusive of homeowners’ costs and maintenance and repair component of shelter costs), fuel, and utilities components of housing costs in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the twelve months ending the preceding June 30,”;

(B) in clause (1), striking out “the same as” and all that follows through “clause (2) of this subsection”, and inserting in lieu thereof “\$160 a month”;

(C) striking out “, or (2)” and inserting in lieu thereof “and (2)”; and

(D) striking out “, or (3)” and all that follows down to the period at the end thereof; and

(4) after the seventh sentence, inserting the following: “If a State agency elects to use a standard utility allowance that reflects heating or cooling costs, it shall be made available to households receiving a payment, or on behalf of which a payment is made, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) or other similar energy assistance program, provided that the household still incurs out-of-pocket heating or cooling expenses. A State agency may use a separate standard utility allowance for households on behalf of which such payment is made, but may not be required to do so. A State agency not electing to use a separate allowance, and making a single standard utility allowance available to households incurring heating or cooling expenses (other than households described in the sixth sentence of this subsection) may not be required to reduce such allowance due to the provision (direct or indirect) of assistance under the Low-Income Home Energy Assistance Act of 1981. For purposes of the food stamp program, assistance provided under the Low-Income Home Energy Assistance Act of 1981 shall be considered to be prorated over the entire heating or cooling season for which it

Effective date.

Effective date.
Prohibitions.
District of
Columbia.
Alaska.
Hawaii.
Guam.
Virgin Islands.

was provided. A State agency shall allow a household to switch between any standard utility allowance and a deduction based on its actual utility costs at the end of any certification period and up to one additional time during each twelve-month period.”.

INCOME FROM SELF-EMPLOYMENT

SEC. 1512. Section 5(f)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)(1)(A)) is amended by adding at the end thereof the following: “Notwithstanding the preceding sentence, if the averaged amount does not accurately reflect the household’s actual monthly circumstances because the household has experienced a substantial increase or decrease in business earnings, the State agency shall calculate the self-employment income based on anticipated earnings.”.

RETROSPECTIVE BUDGETING AND MONTHLY REPORTING SIMPLIFICATION

SEC. 1513. (a) Section 5(f)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)(2)) is amended by—

(1) amending subparagraph (A) to read as follows:

“(A) Household income for—

“(i) migrant farmworker households, and

“(ii) households—

“(I) that have no earned income, and

“(II) in which all adult members are elderly or disabled members,

shall be calculated on a prospective basis, as provided in paragraph (3)(A).”;

(2) in subparagraph (B)—

(A) striking out “(i)”;

(B) inserting “the first sentence of” after “under” the first place it appears; and

(C) striking out “(ii)” and all that follows through “this Act.”; and

(3) striking out subparagraph (C) and inserting in lieu thereof the following:

“(C) Except as provided in subparagraphs (A) and (B), household income for households that have earned income and for households that include any member who has recent work history shall be calculated on a retrospective basis as provided in paragraph (3)(B).

“(D) Household income for all other households may be calculated, at the option of the State agency, on a prospective basis as provided in paragraph (3)(A) or on a retrospective basis as provided in paragraph (3)(B).”.

(b) Section 6(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(1)) is amended by—

(1) amending the first sentence to read as follows: “State agencies shall require households with respect to which household income is determined on a retrospective basis under section 5(f)(2)(C) of this Act to file periodic reports of household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may, with the prior approval of the Secretary, select categories of households (including all such households) that may report at specified less frequent intervals on a showing by the State agency, which is satisfactory to the Secretary, that to require households in such

Supra.

categories to report monthly would result in unwarranted expenditures for administration of this subsection.”; and

Ante, p. 1571.

(2) inserting after the second sentence the following: “State agencies may require households, other than households with respect to which household income is required by section 5(f)(2)(A) to be calculated on a prospective basis, to file periodic reports of household circumstances in accordance with the standards prescribed by the Secretary under the preceding provisions of this paragraph.”.

RESOURCES LIMITATION

SEC. 1514. Section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by—

Effective date.

(1) effective May 1, 1986, in the first sentence, striking out “\$1,500, or, in the case of a household consisting of two or more persons, one of whom is age 60 or over, if its resources exceed \$3,000” and inserting in lieu thereof “\$2,000, or, in the case of a household which consists of or includes a member who is 60 years of age or older, if its resources exceed \$3,000”;

(2) in the second sentence—

Real property.

(A) inserting “and inaccessible resources” after “relating to licensed vehicles”; and

(B) after “physically disabled household member” inserting “and any other property, real or personal, to the extent that it is directly related to the maintenance or use of such vehicle”; and

(3) adding at the end thereof the following: “The Secretary shall exclude from financial resources the value of a burial plot for each member of a household.”.

DISASTER TASK FORCE

SEC. 1515. Section 5(h)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)(2)) is amended to read as follows:

“(2) The Secretary shall—

“(A) establish a Food Stamp Disaster Task Force to assist States in implementing and operating the disaster program and the regular food stamp program in the disaster area; and

“(B) if the Secretary, in the Secretary’s discretion, determines that it is cost-effective to send members of the Task Force to the disaster area, the Secretary shall send them to such area as soon as possible after the disaster occurs to provide direct assistance to State and local officials.”.

ELIGIBILITY DISQUALIFICATIONS

Ante, p. 1571.

SEC. 1516. Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended by—

Prohibition.

(1) in the first sentence of subsection (d)(1)—

(A) striking out “no household shall be eligible for assistance under this Act if it includes a” and inserting in lieu thereof “(A) no person shall be eligible to participate in the food stamp program who is”;

(B) by striking out “eighteen” in the matter preceding clause (i) of the first sentence and inserting in lieu thereof “sixteen”;

(C) striking out all that follows “(iii)” through “days; or (iv)” and

(D) inserting before the period at the end thereof the following: “; and (B) no household shall be eligible to participate in the food stamp program (i) if the head of the household is a physically and mentally fit person between the ages of sixteen and sixty and such individual refuses to do any of those acts described in clause (A) of this sentence, or (ii) if the head of the household voluntarily quits any job without good cause, but, in such case, the period of ineligibility shall be ninety days”;

Prohibition.

(2) adding at the end of subsection (d)(1) the following: “Any period of ineligibility for violations under this paragraph shall end when the household member who committed the violation complies with the requirement that has been violated. If the household member who committed the violation leaves the household during the period of ineligibility, such household shall no longer be subject to sanction for such violation and, if it is otherwise eligible, may resume participation in the food stamp program, but any other household of which such person thereafter becomes the head of the household shall be ineligible for the balance of the period of ineligibility.”;

(3) in subsection (d)(2) by—

(A) striking out “or” at end of clause (D);

(B) inserting before the period at the end thereof the following: “; or (F) a person between the ages of sixteen and eighteen who is not a head of a household or who is attending school, or enrolled in an employment training program, on at least a half-time basis”; and

(4) inserting at the end of clause (2) of subsection (e) the following: “or is an individual who is not assigned to or placed in an institution of higher learning through a program under the Job Training Partnership Act.”; and

(5) in clause (2) of subsection (f)—

(A) striking out “section 203(a)(7)” and “(8 U.S.C. 1153(a)(7))” in subclause (D) and inserting in lieu thereof “sections 207 and 208” and “(8 U.S.C. 1157 and 1158)”, respectively;

(B) striking out “because of persecution” and all that follows through “natural calamity” in subclause (D);

(C) striking out “because of the judgment of the Attorney General” and all that follows in subclause (F) through “political opinion”.

29 USC 1501
note.

EMPLOYMENT AND TRAINING PROGRAM

SEC. 1517. (a) Section 6(d) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)) is amended by—

(1) amending clause (A)(ii) of paragraph (1) to read as follows: “(ii) refuses without good cause to participate in an employment and training program under paragraph (4), to the extent required under paragraph (4), including any reasonable employment requirements as are prescribed by the State agency in accordance with paragraph (4), and the period of ineligibility shall be two months.”; and

(2) adding at the end thereof the following:

"(4)(A) Not later than April 1, 1987, each State agency shall implement an employment and training program designed by the State agency and approved by the Secretary for the purpose of assisting members of households participating in the food stamp program in gaining skills, training, or experience that will increase their ability to obtain regular employment.

"(B) For purposes of this Act, an 'employment and training program' means a program that contains one or more of the following components:

"(i) Job search programs with terms and conditions comparable to those prescribed in subparagraphs (A) and (B) of section 402(a)(35) of part A of title IV of the Social Security Act, except that the State agency shall have no obligation to incur costs exceeding \$25 per participant per month, as provided in subparagraph (B)(vi), and the State agency shall retain the option to apply employment requirements prescribed under this clause to program applicants at the time of application.

"(ii) Job search training programs that include, to the extent determined appropriate by the State agency, reasonable job search training and support activities that may consist of jobs skills assessments, job finding clubs, training in techniques for employability, job placement services, or other direct training or support activities, including educational programs, determined by the State agency to expand the job search abilities or employability of those subject to the program.

"(iii) Workfare programs operated under section 20.

"(iv) Programs designed to improve the employability of household members through actual work experience or training, or both, and to enable individuals employed or trained under such programs to move promptly into regular public or private employment. An employment or training experience program established under this clause shall—

"(I) limit employment experience assignments to projects that serve a useful public purpose in fields such as health, social services, environmental protection, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and day care;

"(II) to the extent possible, use the prior training, experience, and skills of the participating member in making appropriate employment or training experience assignments;

"(III) not provide any work that has the effect of replacing the employment of an individual not participating in the employment or training experience program; and

"(IV) provide the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours.

"(v) As approved by the Secretary, other programs, projects, and experiments, such as a supported work program, aimed at accomplishing the purpose of the employment and training program.

"(C) The State agency may provide that participation in an employment and training program may supplement or supplant other employment-related requirements imposed on those subject to the program.

"(D)(i) Each State agency may exempt from any requirement for participation in any program under this paragraph categories of

Prohibition.
42 USC 602.

Workfare.
7 USC 2029.

Environmental
protection.
Safety.

household members to which the application of such participation requirement is impracticable as applied to such categories due to factors such as the availability of work opportunities and the cost-effectiveness of the employment requirements. In making such a determination, the State agency may designate a category consisting of all such household members residing in a specific area of the State. Each State may exempt, with the approval of the Secretary, members of households that have participated in the food stamp program 30 days or less.

“(ii) Each State agency may exempt from any requirement for participation individual household members not included in any category designated as exempt under clause (i) but with respect to whom such participation is impracticable because of personal circumstances such as lack of job readiness and employability, the remote location of work opportunities, and unavailability of child care.

“(iii) Any exemption of a category or individual under this subparagraph shall be periodically evaluated to determine whether, on the basis of the factors used to make a determination under clauses (i) or (ii), the exemption continues to be valid. Such evaluations shall occur no less often than at each certification or recertification in the case of exemptions under clause (ii).

“(E) Each State agency shall establish requirements for participation by individuals not exempt under subparagraph (D) in one or more employment and training programs under this paragraph, including the extent to which any individual is required to participate. Such requirements may vary among participants.

“(F)(i) The total hours of work in an employment and training program carried out under this paragraph required of members of a household, together with the hours of work of such members in any program carried out under section 20, in any month collectively may not exceed a number of hours equal to the household’s allotment for such month divided by the higher of the applicable State minimum wage or Federal minimum hourly rate under the Fair Labor Standards Act of 1938.

Prohibition.

7 USC 2029.

29 USC 201.

Prohibition.

“(ii) The total hours of participation in such program required of any member of a household, individually, in any month, together with any hours worked in another program carried out under section 20 and any hours worked for compensation (in cash or in kind) in any other capacity, shall not exceed one hundred and twenty hours per month.

“(G)(i) The State agency may operate any program component under this paragraph in which individuals elect to participate.

“(ii) The State agency shall permit, to the extent it determines practicable, individuals not subject to requirements imposed under subparagraph (E) or who have complied, or are in the process of complying, with such requirements to participate in any program under this paragraph.

“(H) The State agency shall reimburse participants in programs carried out under this paragraph, including those participating under subparagraph (G), for the actual costs of transportation, and other actual costs, that are reasonably necessary and directly related to participation in the program, except that the State agency may limit such reimbursement to each participant to \$25 per month.

Transportation.

“(I) The Secretary shall promulgate guidelines that (i) enable State agencies, to the maximum extent practicable, to design and operate an employment and training program that is compatible

Indians.

and consistent with similar programs operated within the State, and (ii) ensure, to the maximum extent practicable, that employment and training programs are provided for Indians on reservations.

“(J)(i) For any fiscal year, the Secretary shall establish performance standards for each State that, in the case of persons who are subject to employment requirements under this section and who are not exempt under subparagraph (D), designate the minimum percentages (not to exceed 50 percent through September 30, 1989) of such persons that State agencies shall place in programs under this paragraph. Such standards need not be uniform for all the States, but may vary among the several States. The Secretary shall consider the cost to the States in setting performance standards and the degree of participation in programs under this paragraph by exempt persons.

“(ii) In making any determination as to whether a State agency has met a performance standard under clause (i), the Secretary shall—

“(I) consider the extent to which persons have elected to participate in programs under this paragraph;

“(II) consider such factors as placement in unsubsidized employment, increases in earnings, and reduction in the number of persons participating in the food stamp program; and

“(III) consider other factors determined by the Secretary to be related to employment and training.

“(iii) The Secretary shall vary the performance standards established under clause (i) according to differences in the characteristics of persons required to participate and the type of program to which the standard is applied.

“(iv) The Secretary may delay establishing performance standards for up to 18 months after national implementation of the provisions of this paragraph, in order to base performance standards on State agency experience in implementing this paragraph.

7 USC 2020 note.

“(K)(i) The Secretary shall ensure that State agencies comply with the requirements of this paragraph and section 11(e)(22).

7 USC 2025.

“(ii) If the Secretary determines that a State agency has failed, without good cause, to comply with such a requirement, including any failure to meet a performance standard under subparagraph (J), the Secretary may withhold from such State, in accordance with section 16 (a), (c), and (h), such funds as the Secretary determines to be appropriate, subject to administrative and judicial review under section 14.

7 USC 2023.

29 USC 1501
note.

“(L) The facilities of the State public employment offices and agencies operating programs under the Job Training Partnership Act may be used to find employment and training opportunities for household members under the programs under this paragraph.”.

(b) Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)) is amended by—

(1) striking out “and” at the end of paragraph (20);

(2) striking out the period at the end of paragraph (21) and inserting in lieu thereof “; and”; and

(3) adding at the end thereof the following:

“(22) the plans of the State agency for carrying out employment and training programs under section 6(d)(4), including the nature and extent of such programs, the geographic areas and households to be covered under such program, and the basis, including any cost information, for exemptions of categories and

Ante, pp. 1572,
1573.

individuals and for the choice of employment and training program components reflected in the plans.”.

(c) Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end thereof the following:

“(h)(1) The Secretary shall allocate among the State agencies in each fiscal year, from funds appropriated for such fiscal year under section 18(a)(1), the amount of \$40,000,000 for the fiscal year ending September 30, 1986, \$50,000,000 for the fiscal year ending September 30, 1987, \$60,000,000 for the fiscal year ending September 30, 1988, and \$75,000,000 for each of the fiscal years ending September 30, 1989 and September 30, 1990, to carry out the employment and training program under section 6(d)(4), except as provided in paragraph (3), during such fiscal year.

Ante, pp. 1572, 1573.

“(2) If, in carrying out such program during such fiscal year, a State agency incurs costs that exceed the amount allocated to the State agency under paragraph (1), the Secretary shall pay such State agency an amount equal to 50 per centum of such additional costs, subject to the first limitation in paragraph (3).

“(3) The Secretary shall also reimburse each State agency in an amount equal to 50 per centum of the total amount of payments made or costs incurred by the State agency in connection with transportation costs and other expenses reasonably necessary and directly related to participation in an employment and training program under section 6(d)(4), except that such total amount shall not exceed an amount representing \$25 per participant per month and such reimbursement shall not be made out of funds allocated under paragraph (1).

Transportation.
Prohibition.

“(4) Funds provided to a State agency under this subsection may be used only for operating an employment and training program under section 6(d)(4), and may not be used for carrying out other provisions of the Act.

Prohibition.

“(5)(A) The Secretary shall monitor the employment and training programs carried out by State agencies under section 6(d)(4) to measure their effectiveness in terms of the increase in the numbers of household members who obtain employment and the numbers of such members who retain such employment as a result of their participation in such employment and training programs.

“(B) The Secretary shall, not later than January 1, 1989, report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of such employment and training programs.”.

(d) Subsection (b) of section 20 of such Act (7 U.S.C. 2029(b)) is amended to read as follows:

“(b)(1) A household member shall be exempt from workfare requirements imposed under this section if such member is—

Workfare.

“(A) exempt from section 6(d)(1) as the result of clause (B), (C), (D), (E), or (F) of section 6(d)(2);

“(B) at the option of the operating agency, subject to and currently actively and satisfactorily participating at least 20 hours a week in a work training program required under title IV of the Social Security Act (42 U.S.C. 601 et seq.);

“(C) mentally or physically unfit;

“(D) under sixteen years of age;

“(E) sixty years of age or older; or

"(F) a parent or other caretaker of a child in a household in which another member is subject to the requirements of this section or is employed fulltime.

"(2)(A) Subject to subparagraphs (B) and (C), in the case of a household that is exempt from work requirements imposed under this Act as the result of participation in a community work experience program established under section 409 of the Social Security Act (42 U.S.C. 609), the maximum number of hours in a month for which all members of such household may be required to participate in such program shall equal the result obtained by dividing—

"(i) the amount of assistance paid to such household for such month under title IV of such Act, together with the value of the food stamp allotment of such household for such month; by

"(ii) the higher of the Federal or State minimum wage in effect for such month.

"(B) In no event may any such member be required to participate in such program more than 120 hours per month.

"(C) For the purpose of subparagraph (A)(i), the value of the food stamp allotment of a household for a month shall be determined in accordance with regulations governing the issuance of an allotment to a household that contains more members than the number of members in an assistance unit established under title IV of such Act."

STAGGERING OF COUPON ISSUANCE

SEC. 1518. Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end thereof the following:

"(h)(1) The State agency may implement a procedure for staggering the issuance of coupons to eligible households throughout the entire month: *Provided*, That the procedure ensures that, in the transition period from other issuance procedures, no eligible household experiences an interval between coupon issuances of more than 40 days, either through regular issuances by the State agency or through supplemental issuances.

"(2) For any eligible household that applies for participation in the food stamp program during the last fifteen days of a month and is issued benefits within that period, coupons shall be issued for the first full month of participation by the the eighth day of the first full month of participation."

ALTERNATIVE MEANS OF COUPON ISSUANCE

SEC. 1519. Section 7(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2016(g)(1)) is amended by striking out "may" in the matter preceding clause (A) and inserting in lieu thereof "shall".

SIMPLIFIED APPLICATIONS AND STANDARDIZED BENEFITS

SEC. 1520. Section 8 of the Food Stamp Act of 1977 (7 U.S.C. 2017) is amended by adding at the end thereof the following new subsection:

"(e)(1) The Secretary may permit not more than five statewide projects (upon the request of a State) and not more than five projects in political subdivisions of States (upon the request of a State or political subdivision) to operate a program under which a household shall be considered to have satisfied the application requirements prescribed under section 5(a) and the income and resource require-

42 USC 601.

Prohibition.

ments prescribed under subsections (d) through (g) of section 5 if such household—

Ante, pp. 1569-1572.

“(A) includes one or more members who are recipients of—

“(i) aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

“(ii) supplemental security income under title XVI of such Act (42 U.S.C. 1381 et seq.); or

“(iii) medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.); and

“(B) has an income that does not exceed the applicable income standard of eligibility described in section 5(c).

“(2) Except as provided in paragraph (3), a State or political subdivision that elects to operate a program under this subsection shall base the value of an allotment provided to a household under subsection (a) on—

“(A)(i) the size of the household; and

“(ii)(I) benefits paid to such household under a State plan for aid to families with dependent children approved under part A of title IV of the Social Security Act; or

“(II) the income standard of eligibility for medical assistance under title XIX of such Act; or

“(B) at the option of the State or political subdivision, the standard of need for such size household under the programs referred to in clause (A)(ii).

“(3) The Secretary shall adjust the value of allotments received by households under a program operated under this subsection to ensure that the average allotment by household size for households participating in such program and receiving such aid to families with dependent children, such supplemental security income, or such medical assistance, as the case may be, is not less than the average allotment that would have been provided under this Act but for the operation of this subsection, for each category of households, respectively, in a State or political subdivision, for any period during which such program is in operation.

“(4) The Secretary shall evaluate the impact of programs operated under this subsection on recipient households, administrative costs, and error rates.

“(5) The administrative costs of such programs shall be shared in accordance with section 16.

Ante, p. 1577.

“(6) In implementing this section, the Secretary shall consult with the Secretary of Health and Human Services to ensure that to the extent practicable, in the case of households participating in such programs, the processing of applications for, and determinations of eligibility to receive, food stamp benefits are simplified and are unified with the processing of applications for, and determinations of eligibility to receive, benefits under such titles of the Social Security Act (42 U.S.C. 601 et seq.).”.

DISCLOSURE OF INFORMATION SUBMITTED BY RETAIL STORES

SEC. 1521. Section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended by inserting before the period at the end of the second sentence the following: “, except that such information may be disclosed to and used by State agencies that administer the special supplemental food program for women, infants and children, authorized under section 17 of the Child Nutrition Act of 1966, for

Women.
Children.
Regulations.

42 USC 1786.

purposes of administering the provisions of that Act and the regulations issued under that Act”.

CREDIT UNIONS

Ante, p. 1566. SEC. 1522. Section 10 of the Food Stamp Act of 1977 (7 U.S.C. 2019), as amended by section 1501, is amended by—

- 12 USC 1751. (1) inserting “, or which are insured under the Federal Credit Union Act and have retail food stores or wholesale food concerns in their field of membership” after “Federal Savings and Loan Insurance Corporation” the first place it appears; and
 (2) inserting “or the Federal Credit Union Act” after “Federal Savings and Loan Insurance Corporation” the second place it appears.

CHARGES FOR REDEMPTION OF COUPONS

Prohibition.
Ante, p. 1566;
supra. SEC. 1523. (a) Section 10 of the Food Stamp Act of 1977 (7 U.S.C. 2019), as amended by sections 1501 and 1522, is amended by adding at the end thereof the following: “No financial institution may impose on or collect from a retail food store a fee or other charge for the redemption of coupons that are submitted to the financial institution in a manner consistent with the requirements, other than any requirements relating to cancellation of coupons, for the presentation of coupons by financial institutions to the Federal Reserve banks.”.

Regulations. (b) The Secretary of Agriculture, in consultation with the Board of Governors of the Federal Reserve System, shall issue regulations implementing the amendment made by subsection (a).

HOURS OF OPERATION

Ante, p. 1577. SEC. 1524. Section 16(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(b)(1)) is amended by inserting “, including standards for the periodic review of the hours that food stamp offices are open during the day, week, or month to ensure that employed individuals are adequately served by the food stamp program,” after “States”.

CERTIFICATION OF INFORMATION

Ante, p. 1566;
infra. SEC. 1525. Section 11(e)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)) is further amended by adding at the end thereof the following: “One adult member of a household that is applying for a coupon allotment shall be required to certify in writing, under penalty of perjury, the truth of the information contained in the application for the allotment;”.

FRAUD DETECTION

Supra. SEC. 1526. Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)), as amended by sections 1517 and 1525, is further amended by adding at the end thereof the following new paragraph:

“(23) in a project area in which 5,000 or more households participate in the food stamp program, for the establishment and operation of a unit for the detection of fraud in the food stamp program, including the investigation, and assistance in the prosecution, of such fraud; and”.

VERIFICATION

SEC. 1527. Section 11(e)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(3)) is amended by—

Ante, pp. 1566,
1580.

- (1) striking out “only” after “verification”;
- (2) inserting “, household size (in any case such size is questionable),” after “Act”;
- (3) striking out “any factors” and all that follows through “by the Secretary” and inserting in lieu thereof “such other eligibility factors as the State agency determines are necessary”.

PHOTOGRAPHIC IDENTIFICATION CARDS

SEC. 1528. Section 11(e)(16) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(16)) is amended by—

- (1) striking out “last sentence” and inserting in lieu thereof “fourth sentence”;
- (2) inserting “and would be cost effective” after “integrity”;
- (3) striking out the semicolon at the end thereof and inserting in lieu thereof a period; and
- (4) adding at the end thereof the following: “The State agency may permit a member of a household to comply with this paragraph by presenting a photographic identification card used to receive assistance under a welfare or public assistance program;”.

ELIGIBILITY OF THE HOMELESS

SEC. 1529. Section 11(e)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)), as amended by section 1525, is amended by—

- (1) striking out the semicolon at the end thereof and inserting in lieu thereof a period; and
- (2) adding at the end thereof the following: “The State agency shall provide a method of certifying and issuing coupons to eligible households that do not reside in permanent dwellings or who do not have fixed mailing addresses. In carrying out the preceding sentence, the State agency shall take such steps as are necessary to ensure that participation in the food stamp program is limited to eligible households.”.

EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM

SEC. 1530. Section 11(f) of the Food Stamp Act of 1977 (7 U.S.C. 2020(f)) is amended by adding at the end thereof the following: “State agencies shall encourage food stamp program participants to participate in the expanded food and nutrition education program conducted under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), commonly known as the Smith-Lever Act and any program established under sections 1584 through 1588 of the Food Security Act of 1985. At the request of personnel of such education program, State agencies, wherever practicable, shall allow personnel and information materials of such education program to be placed in food stamp offices.”.

Ante, p. 1557.

Post, pp. 1596,
1597.

**FOOD STAMP PROGRAM INFORMATION AND SIMPLIFIED APPLICATION AT
SOCIAL SECURITY ADMINISTRATION OFFICES**

- Effective date. SEC. 1531. (a) Effective October 1, 1986, clause (2) of the first sentence of section 11(i) of the Food Stamp Act of 1977 (7 U.S.C. 2020(i)), as amended by section 1531, is amended by—
- Ante*, p. 1568. (1) inserting “applicants for or” after “members are”;
- (2) striking out “permitted” and all that follows through “office”, and inserting in lieu thereof “informed of the availability of benefits under the food stamp program and be assisted in making a simple application to participate in such program at the social security office”.
- Effective date. (b) Effective October 1, 1986, section 11(j) of the Food Stamp Act of 1977 (7 U.S.C. 2020(j)) is amended to read as follows:
- Regulations. “(j)(1) Any individual who is an applicant for or recipient of social security benefits (under regulations prescribed by the Secretary in conjunction with the Secretary of Health and Human Services) shall be informed of the availability of benefits under the food stamp program and informed of the availability of a simple application to participate in such program at the social security office.
- “(2) The Secretary and the Secretary of Health and Human Services shall revise the memorandum of understanding in effect on the date of enactment of the Food Security Act of 1985, regarding services to be provided in social security offices under this subsection and subsection (i), in a manner to ensure that—
- “(A) applicants for and recipients of social security benefits are adequately notified in social security offices that assistance may be available to them under this Act;
- “(B) applications for assistance under this Act from households in which all members are applicants for or recipients of supplemental security income will be forwarded immediately to the State agency in an efficient and timely manner; and
- “(C) the Secretary of Health and Human Services receives from the Secretary reimbursement for costs incurred to provide such services.”.
- Report. (c) Not later than April 1, 1987, the Secretary of Agriculture shall submit a report, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, describing the nature and extent of the costs being incurred by the Secretary of Health and Human Services to comply with subsections (i) and (j) of section 11 of the Food Stamp Act of 1977, as amended by subsections (a) and (b).

RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

- SEC. 1532. (a) Section 12 of the Food Stamp Act of 1977 (7 U.S.C. 2021) is amended by adding at the end thereof the following:
- Regulations. “(e)(1) In the event any retail food store or wholesale food concern that has been disqualified under subsection (a) is sold or the ownership thereof is otherwise transferred to a purchaser or transferee, the person or persons who sell or otherwise transfer ownership of the retail food store or wholesale food concern shall be subjected to a civil money penalty in an amount established by the Secretary through regulations to reflect that portion of the disqualification period that has not yet expired. If the retail food store or wholesale food concern has been disqualified permanently, the civil money penalty shall be double the penalty for a ten-year disqualification

period, as calculated under regulations issued by the Secretary. The disqualification period imposed under subsection (b) shall continue in effect as to the person or persons who sell or otherwise transfer ownership of the retail food store or wholesale food concern notwithstanding the imposition of a civil money penalty under this subsection.

“(2) At any time after a civil money penalty imposed under paragraph (1) has become final under the provisions of section 14(a), the Secretary may request the Attorney General to institute a civil action against the person or persons subject to the penalty in a district court of the United States for any district in which such person or persons are found, reside, or transact business to collect the penalty and such court shall have jurisdiction to hear and decide such action. In such action, the validity and amount of such penalty shall not be subject to review.”.

(b) Section 9(b) of the Food Stamp Act of 1977 (7 U.S.C. 2018(b)) is amended by—

(1) inserting “(1)” after the subsection designation; and

(2) adding at the end thereof the following new paragraph: “(2)(A) A buyer or transferee (other than a bona fide buyer or transferee) of a retail food store or wholesale food concern that has been disqualified under section 12(a) may not accept or redeem coupons until the Secretary receives full payment of any penalty imposed on such store or concern.

“(B) A buyer or transferee may not, as a result of the sale or transfer of such store or concern, be required to furnish a bond under section 12(d).”.

Prohibition.
Post, p. 1585.

Prohibition.
Ante, p. 1582.

LIABILITY FOR OVERISSUANCE OF COUPONS

SEC. 1533. Section 13(a) of the Food Stamp Act of 1977 (7 U.S.C. 2022(a)) is amended by—

(1) inserting “(1)” after the subsection designation; and

(2) adding at the end thereof the following new paragraph: “(2) Each adult member of a household shall be jointly and severally liable for the value of any overissuance of coupons.”.

COLLECTION OF CLAIMS

SEC. 1534. Section 13(b)(1)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2022(b)(1)(B)) is amended by—

(1) striking out “may” and inserting in lieu thereof “shall”; and

(2) inserting “, unless the State agency demonstrates to the satisfaction of the Secretary that such other means are not cost effective” before the period at the end thereof.

FOOD STAMP INTERCEPT OF UNEMPLOYMENT BENEFITS

SEC. 1535. (a) Section 13 of the Food Stamp Act of 1977 (7 U.S.C. 2022) is amended by adding at the end thereof the following new subsection:

“(c)(1) As used in this subsection, the term ‘uncollected overissuance’ means the amount of an overissuance of coupons, as determined under subsection (b)(1), that has not been recovered pursuant to subsection (b)(1).

“(2) A State agency may determine on a periodic basis, from information supplied pursuant to section 3(b) of the Wagner-Peyser

Act (29 U.S.C. 49b(b)), whether an individual receiving compensation under the State's unemployment compensation law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law) owes an uncollected overissuance.

"(3) A State agency may recover an uncollected overissuance—

"(A) by—

"(i) entering into an agreement with an individual described in paragraph (2) under which specified amounts will be withheld from unemployment compensation otherwise payable to the individual; and

"(ii) furnishing a copy of the agreement to the State agency administering the unemployment compensation law; or

"(B) in the absence of an agreement, by obtaining a writ, order, summons, or other similar process in the nature of garnishment from a court of competent jurisdiction to require the withholding of amounts from the unemployment compensation."

Ante, p. 1580.

(b)(1) Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)), as amended by section 1526, is amended by adding at the end thereof the following new paragraph:

"(24) at the option of the State, for procedures necessary to obtain payment of uncollected overissuance of coupons from unemployment compensation pursuant to section 13(c)."

Ante, p. 1583.

(2) Section 3(b) of the Wagner-Peyser Act (29 U.S.C. 49b(b)) is amended by—

(A) striking out "or" the second place it appears and inserting in lieu thereof a comma; and

(B) inserting after "such Act," the following: "or of a State agency charged with the administration of the food stamp program in a State under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)."

(3) Section 303(d) of the Social Security Act (42 U.S.C. 503(d)) is amended by—

(A) redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) inserting after paragraph (1) the following new paragraph:

"(2)(A) For purposes of this paragraph, the term 'unemployment compensation' means any unemployment compensation payable under the State law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law).

"(B) The State agency charged with the administration of the State law—

"(i) may require each new applicant for unemployment compensation to disclose whether the applicant owes an uncollected overissuance (as defined in section 13(c)(1) of the Food Stamp Act of 1977) of food stamp coupons,

Ante, p. 1583.

"(ii) may notify the State food stamp agency to which the uncollected overissuance is owed that the applicant has been determined to be eligible for unemployment compensation if the applicant discloses under clause (i) that the applicant owes an uncollected overissuance and the applicant is determined to be so eligible,

"(iii) may deduct and withhold from any unemployment compensation otherwise payable to an individual—

"(I) the amount specified by the individual to the State agency to be deducted and withheld under this clause,

“(II) the amount (if any) determined pursuant to an agreement submitted to the State food stamp agency under section 13(c)(3)(A) of the Food Stamp Act of 1977, or

Ante, p. 1583.

“(III) any amount otherwise required to be deducted and withheld from the unemployment compensation pursuant to section 13(c)(3)(B) of such Act, and

“(iv) shall pay any amount deducted and withheld under clause (iii) to the appropriate State food stamp agency.

“(C) Any amount deducted and withheld under subparagraph (B)(iii) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the State food stamp agency to which the uncollected overissuance is owed as repayment of the individual's uncollected overissuance.

“(D) A State food stamp agency to which an uncollected overissuance is owed shall reimburse the State agency charged with the administration of the State unemployment compensation law for the administrative costs incurred by the State agency under this paragraph that are attributable to repayment of uncollected overissuance to the State food stamp agency to which the uncollected overissuance is owed.”

(c)(1) The proviso of the first sentence of section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by striking out “section 13(b)(1) of this Act” and inserting in lieu thereof “subsections (b)(1) and (c) of section 13”.

(2) The first sentence of section 18(e) of such Act (7 U.S.C. 2027(e)) is amended by striking out “section 13(b) of this Act” and inserting in lieu thereof “subsections (b) and (c) of section 13”.

Post, p. 1589.

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 1536. The last sentence of section 14(a) of the Food Stamp Act of 1977 (7 U.S.C. 2023(a)) is amended by—

(1) striking out “an application” and inserting in lieu thereof “on application”; and

(2) striking out “showing of irreparable injury” and inserting in lieu thereof “consideration by the court of the applicant's likelihood of prevailing on the merits and of irreparable injury”.

STATE AGENCY LIABILITY, QUALITY CONTROL, AND AUTOMATIC DATA PROCESSING

SEC. 1537. (a) Effective with respect to the fiscal year beginning October 1, 1985, and each fiscal year thereafter, section 16(d) of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by—

Effective date.

(1) in paragraph (2)(A), inserting before the period at the end thereof the following:

“less any amount payable as a result of the use by the State agency of correctly processed information received from an automatic information exchange system made available by any Federal department or agency”; and

(2) adding at the end thereof the following:

“(6) To facilitate the implementation of paragraphs (2) and (3), each State agency shall submit to the Secretary expeditiously data regarding its operations in each fiscal year sufficient for the Secretary to establish the payment error rate for the State agency for

such fiscal year and determine the amount for which the State agency will be liable for such fiscal year under paragraphs (2) and (3). The Secretary shall make a determination for a fiscal year, and notify the State agency of such determination, within nine months following the end of each fiscal year. The Secretary shall initiate efforts to collect the amount owed by the State agency as a claim established under paragraphs (2) and (3) for a fiscal year, subject to the conclusion of any formal or informal appeal procedure and administrative or judicial review under section 14 (as provided for in paragraph (5)), before the end of the fiscal year following such fiscal year.

Ante, p. 1585.

(b) Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end thereof the following new subsection:

“(o)(1) The Secretary shall develop, after consultation with, and with the assistance of, an advisory group of State agencies appointed by the Secretary without regard to the provisions of the Federal Advisory Committee Act, a model plan for the comprehensive automation of data processing and computerization of information systems under the food stamp program. The plan shall be developed and made available for public comment through publication of the proposed plan in the Federal Register not later than October 1, 1986. The Secretary shall complete the plan, taking into consideration public comments received, not later than February 1, 1987. The elements of the plan may include intake procedures, eligibility determinations and calculation of benefits, verification procedures, coordination with related Federal and State programs, the issuance of benefits, reconciliation procedures, the generation of notices, and program reporting. In developing the plan, the Secretary shall take into account automated data processing and information systems already in existence in States and shall provide for consistency with such systems.

5 USC app.

Federal
Register,
publication.

“(2) Not later than October 1, 1987, each State agency shall develop and submit to the Secretary for approval a plan for the use of an automated data processing and information retrieval system to administer the food stamp program in such State. The State plan shall take into consideration the model plan developed by the Secretary under paragraph (1) and shall provide time frames for completion of various phases of the State plan. If a State agency already has a sufficient automated data processing and information retrieval system, the State plan may, subject to the Secretary's approval, reflect the existing State system.

“(3) Not later than April 1, 1988, the Secretary shall prepare and submit to Congress an evaluation of the degree and sufficiency of each State's automated data processing and computerized information systems for the administration of the food stamp program, including State plans submitted under paragraph (2). Such report shall include an analysis of additional steps needed for States to achieve effective and cost-efficient data processing and information systems. The Secretary, thereafter, shall periodically update such report.

Report.

Report.

“(4) Based on the Secretary's findings in such report submitted under paragraph (3), the Secretary may require a State agency, as necessary to rectify identified shortcomings in the administration of the food stamp program in the State, except where such direction would displace State initiatives already under way, to take specified steps to automate data processing systems or computerize information systems for the administration of the food stamp program in

the State if the Secretary finds that, in the absence of such systems, there will be program accountability or integrity problems that will substantially affect the administration of the food stamp program in the State.

“(5)(A) Subject to subparagraph (B), in the case of a plan for an automated data processing and information retrieval system submitted by a State agency to the Secretary under paragraph (2), such State agency shall—

“(i) commence implementation of its plan not later than October 1, 1988; and

“(ii) meet the time frames set forth in the plan.

“(B) The Secretary shall extend a deadline imposed under subparagraph (A) to the extent the Secretary deems appropriate based on the Secretary's finding of a good faith effort of a State agency to implement its plan in accordance with subparagraph (A).”.

(c) Section 11(g) of the Food Stamp Act of 1977 (7 U.S.C. 2020(g)) is amended by—

(1) inserting “the State plan for automated data processing submitted pursuant to subsection (o)(2) of this section,” after “pursuant to subsection (d) of this section,” and

(2) striking out “16(a) and 16(c)” and inserting in lieu thereof “16(a), 16(c), and 16(g)”.

Ante, p. 1586.

QUALITY CONTROL STUDIES AND PENALTY MORATORIUM

SEC. 1538. (a)(1)(A) The Secretary of Agriculture (hereinafter referred to in this section as the “Secretary”) shall conduct a study of the quality control system used for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

7 USC 2025 note.

(B) The study shall—

(i) examine how best to operate such system in order to obtain information that will allow the State agencies to improve the quality of administration; and

(ii) provide reasonable data on the basis of which Federal funding may be withheld for State agencies with excessive levels of erroneous payments.

(2)(A) The Secretary shall also contract with the National Academy of Sciences to conduct a concurrent independent study for the purpose described in paragraph (1).

Contracts.

(B) For purposes of such study, the Secretary shall provide to the National Academy of Sciences any relevant data available to the Secretary at the onset of the study and on an ongoing basis.

(3) Not later than 1 year after the date of enactment of this Act, the Secretary and the National Academy of Sciences shall report the results of their respective studies to the Congress.

(b)(1) During the 6-month period beginning on the date of enactment of this Act (hereinafter in this section referred to as the “moratorium period”), the Secretary shall not impose any reductions in payments to State agencies pursuant to section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025).

(2) During the moratorium period, the Secretary and the State agencies shall continue to—

Ante, pp. 1577, 1580, 1585; *post*, p. 1588.

(A) operate the quality control systems in effect under the Food Stamp Act of 1977; and

(B) calculate error rates under section 16 of such Act.

Regulations.

(c)(1) Not later than 18 months after the date of enactment of this Act, the Secretary shall publish regulations that shall—

7 USC 2011
note.

(A) restructure the quality control system used under the Food Stamp Act of 1977 to the extent the Secretary determines to be appropriate, taking into account the studies conducted under subsection (a); and

(B) establish, taking into account the studies conducted under subsection (a), criteria for adjusting the reductions that shall be made for quarters prior to the implementation of the restructured quality control system so as to eliminate reductions for those quarters that would not be required if the restructured quality control system had been in effect during those quarters.

(2) Beginning 2 years after the date of the enactment of this Act the Secretary shall—

(A) implement the restructured quality control system; and

(B) reduce payments to State agencies—

(i) for quarters after implementation of such system in accordance with the restructured quality control system; and

Regulations.

(ii) for quarters before implementation of such system, as provided under the regulations described in paragraph (1)(B)."

GEOGRAPHICAL ERROR-PRONE PROFILES

Ante, pp. 1577,
1580, 1585.

SEC. 1539. Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end thereof the following new subsection:

"(i)(1) The Department of Agriculture may use quality control information made available under this section to determine which project areas have payment error rates (as defined in subsection (d)(1)) that impair the integrity of the food stamp program.

"(2) The Secretary may require a State agency to carry out new or modified procedures for the certification of households in areas identified under paragraph (1) if the Secretary determines such procedures would improve the integrity of the food stamp program and be cost effective.

Report.

"(3) Not later than 12 months after the date of enactment of the Food Security Act of 1985, and each 12 months thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that lists project areas identified under paragraph (1) and describes any procedures required to be carried out under paragraph (2)."

PILOT PROJECTS

Ante, p. 818.

SEC. 1540. (a) Section 17(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)) is amended by striking out "December 31, 1985" the last place it appears and inserting in lieu thereof "October 1, 1990".

Repeal.
7 USC 2026.

(b) Section 17(d) of the Food Stamp Act of 1977 is repealed.

(c) Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2226) is amended by redesignating subsections (e) and (f) as subsections (d) and (e).

AUTHORIZATION CEILING; AUTHORITY TO REDUCE BENEFITS

SEC. 1541. Section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) is amended by—

(1) inserting, after the first sentence of subsection (a)(1), the following:

“To carry out the provisions of this Act, there are hereby authorized to be appropriated not in excess of \$13,037,000,000 for the fiscal year ending September 30, 1986; not in excess of \$13,936,000,000 for the fiscal year ending September 30, 1987; not in excess of \$14,741,000,000 for the fiscal year ending September 30, 1988; not in excess of \$15,435,000,000 for the fiscal year ending September 30, 1989; and not in excess of \$15,970,000,000 for the fiscal year ending September 30, 1990.”; and

(2) in the second sentence of subsection (b), striking out “the limitation set herein,” and inserting in lieu thereof “the appropriation amount authorized in subsection (a)(1),”.

TRANSFER OF FUNDS

SEC. 1542. (a) Section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) is amended by adding at the end thereof the following new subsection:

“(f) No funds appropriated to carry out this Act may be transferred to the Office of the Inspector General, or the Office of the General Counsel, of the Department of Agriculture.”.

Prohibition.

(b) The amendment made by this section shall become effective on October 1, 1986.

Effective date.
7 USC 2027 note.

PUERTO RICO BLOCK GRANT

SEC. 1543. Section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended by—

Ante, p. 818.

(1) striking out “for each fiscal year” in subsection (a)(1)(A) and inserting in lieu thereof “for the fiscal year ending September 30, 1986, \$852,750,000 for the fiscal year ending September 30, 1987, \$879,750,000 for the fiscal year ending September 30, 1988, \$908,250,000 for the fiscal year ending September 30, 1989, and \$936,750,000 for the fiscal year ending September 30, 1990,”;

(2) striking out “noncash” in subsection (a)(1)(A); and

(3) striking out “a single agency which shall be” in clause (i) of subsection (b)(1)(A) and inserting in lieu thereof “the agency or agencies directly.”

Subtitle B—Commodity Distribution Provisions

TRANSFER OF SECTION 32 COMMODITIES

SEC. 1561. Section 32 of the Act entitled “An Act to amend the Agricultural Adjustment Act, and for other purposes”, approved August 24, 1935 (7 U.S.C. 612c), is amended by adding at the end thereof the following new sentence: “A public or private nonprofit organization that receives agricultural commodities or the products thereof under clause (2) of the second sentence may transfer such commodities or products to another public or private nonprofit organization that agrees to use such commodities or products to provide, without cost or waste, nutrition assistance to individuals in low-income groups.”.

COMMODITY DISTRIBUTION PROGRAMS

SEC. 1562. (a) Section 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by—

(1) striking out “1982, 1983, 1984, and 1985” in the first sentence of subsection (a) and inserting in lieu thereof “1986, 1987, 1988, 1989, and 1990”; and

(2) in subsection (b), striking out “under 18 years of age” and inserting in lieu thereof “18 years of age and under”.

(b) Section 5(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by—

(1) striking out “, which projects shall operate no longer than two years, and” in clause (1) and inserting in lieu thereof a semicolon;

(2) striking out “1982 through 1985” in clause (2) and inserting in lieu thereof “1986 through 1990”.

(c) Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsections:

Aged persons.

“(f) The Secretary shall, in any fiscal year, approve applications of additional sites for the program in areas in which the program currently does not operate to the full extent that this can be done within the appropriations available for the program for the fiscal year and without reducing actual participation levels (including participation of elderly persons under subsection (g)) in areas in which the program is in effect.

Women.
Children and
youth.
Aged persons.

“(g) If a local agency that administers the commodity supplemental food program determines that the amount of funds made available to the agency to carry out this section exceeds the amount of funds necessary to provide assistance under such program to women, infants, and children, the agency, with the approval of the Secretary, may permit low-income elderly persons (as defined by the Secretary) to participate in and be served by such program.”.

Aged persons.
7 USC 612c note.

(d) Notwithstanding any other provision of law, in implementing the commodity supplemental food program under section 4 of the Agriculture and Consumer Protection Act of 1973, the Secretary of Agriculture shall allow agencies distributing agricultural commodities to low-income elderly people under such programs on the date of enactment of this Act to continue such distribution at levels no lower than existing caseloads.

Repeal.

(e)(1) Section 209 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is repealed.

(2) Clause (2) of section 5(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking out “amount appropriated for the provision of commodities to State agencies” and inserting in lieu thereof “sum of (A) the amount appropriated for the commodity supplemental food program and (B) the value of all additional commodities donated by the Secretary to State and local agencies that are provided without charge or credit for distribution to program participants”.

EMERGENCY FEEDING ORGANIZATIONS—DEFINITIONS

SEC. 1563. Section 201A of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting, before the semicolon at the end of paragraph (1), the following: “(including the activities and projects of charitable institutions, food banks

nger centers, soup kitchens, and similar public or private non-profit eligible recipient agencies) hereinafter in this title referred to as 'emergency feeding organizations'".

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

SEC. 1564. (a) Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new subsections:

(c) In addition to any commodities described in subsection (a), in carrying out this Act, the Secretary may use agricultural commodities and the products thereof made available under clause (2) of the second sentence of section 32 of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935 (7 U.S.C. 612c).

(d) Commodities made available under this Act shall include, but shall be limited to, dairy products, wheat or the products thereof, rice, soybeans, and cornmeal.

(e) Effective April 1, 1986, the Secretary shall submit semiannually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the types and amounts of commodities made available for distribution under this Act."

(f) Section 212 of the Temporary Emergency Food Assistance Act of 1973 is amended to read as follows:

Effective date.
Report.

7 USC 612c note.

"PROGRAM TERMINATION

SEC. 212. Except for section 207, this Act shall terminate on September 30, 1987."

7 USC 612c note.

REPEAL OF PROVISIONS RELATING TO THE FOOD SECURITY WHEAT RESERVE

SEC. 1565. (a) Section 202 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by—

(1) striking out the subsection designation for subsection (a); and

(2) striking out subsection (b).

(b) The second sentence of section 203A of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out " , except that wheat from the Food Security Wheat Reserve may not be used to pay such costs".

Prohibitions.

REPORT ON COMMODITY DISPLACEMENT

SEC. 1566. Section 203C(a) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following: "The Secretary shall submit to Congress each year a report as to whether and to what extent such displacements or substitutions are occurring."

DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS; PROCESSING AGREEMENTS

SEC. 1567. (a) Section 1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e) is amended by adding at the end thereof the following new sentence: "Commodities made available under this

section shall include, but not be limited to, dairy products, wheat or the products thereof, rice, honey, and cornmeal.”.

(b) Section 1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e) is amended by—

(1) inserting “(1)” after “(a)”;

(2) adding, at the end thereof, the following:

“(2)(A) Effective through June 30, 1987, whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of such commodity through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies. The expense of reprocessing shall be paid by such eligible recipient agencies.

“(B) To maintain eligibility to enter into, and to continue, any agreement with the Secretary of Agriculture under subparagraph (A), a private company shall annually settle all accounts with the Secretary and any appropriate State agency regarding commodities processed under such agreements.”.

Repeal.

(c) Section 203 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is repealed.

STATE COOPERATION

Rural areas.

SEC. 1568. (a) Section 203B(b) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following new sentence: “Each State agency shall encourage distribution of such commodities in rural areas.”.

(b) Section 203B of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by adding at the end thereof the following:

“(d) Each State agency receiving commodities under this title may—

“(1) enter into cooperative agreements with State agencies of other States for joint provision of such commodities to an emergency feeding organization that serves needy persons in a single geographical area part of which is situated in each of such States; or

“(2) transfer such commodities to any such emergency feeding organization in the other State under such agreement.”.

AUTHORIZATION FOR FUNDING AND RELATED PROVISIONS

SEC. 1569. (a) Section 204 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) after subsection (b), inserting the following:

“(c)(1) There are authorized to be appropriated \$50,000,000 for each of the fiscal years ending September 30, 1986, and September 30, 1987, for the Secretary to make available to the States for State and local payments for costs associated with the distribution of commodities by emergency feeding organizations under this title. Funds appropriated under this paragraph for any fiscal year shall be allocated to the States on an advance basis, dividing such funds among the States in the same proportions as the commodities distributed under this title for such fiscal year are divided among the States. If a State agency is unable to use all of the funds so

located to it, the Secretary shall reallocate such unused funds among the other States.

“(2) Each State shall make available to emergency feeding organizations in the State not less than 20 per centum of the funds provided as authorized in paragraph (1) that it has been allocated for a fiscal year, as necessary to pay for, or provide advance payments to cover, the direct expenses of the emergency feeding organizations for distributing commodities to needy persons, but only to the extent such expenses are actually so incurred by such organizations. As used in this paragraph, the term ‘direct expenses’ includes costs of transporting, storing, handling, and distributing commodities incurred after they are received by the organization; costs associated with determinations of eligibility, verification, and documentation; costs involved in publishing announcements of names and locations of distribution; and costs of recordkeeping, editing, and other administrative procedures required for participation in the program under this title. If a State makes a payment, using State funds, to cover direct expenses of emergency feeding organizations, the amount of such payment shall be counted toward the amount a State must make available for direct expenses of emergency feeding organizations under this paragraph.

“(3) States to which funds are allocated for a fiscal year under this subsection shall submit financial reports to the Secretary, on a regular basis, as to the use of such funds. No such funds may be used by States or emergency feeding organizations for costs other than those involved in covering the expenses related to the distribution of commodities by emergency feeding organizations.

Reports.
Prohibition.

“(4)(A) Except as provided in subparagraph (B), effective January 1, 1987, to be eligible to receive funds under this subsection, a State shall provide in cash or in kind (according to procedures approved by the Secretary for certifying these in-kind contributions) from non-Federal sources a contribution equal to the difference between—

Effective date.

“(i) the amount of such funds so received; and

“(ii) any part of the amount allocated to the State and paid by the State—

“(I) to emergency feeding organizations; or

“(II) for the direct expenses of such organizations;

for use in carrying out this title.

“(B)(i) Except as provided in clause (ii), subparagraph (A) shall apply to States beginning on January 1, 1987.

“(ii) If the legislature of a State does not convene in regular session before January 1, 1987, paragraph (1) shall apply to such State beginning on October 1, 1987.

“(C) Funds allocated to a State under this section may, upon State request, be allocated before States satisfy the matching requirement specified in subparagraph (A), based on the estimated contribution required. The Secretary shall periodically reconcile estimated and actual contributions and adjust allocations to the State to correct for overpayments and underpayments.

“(5) States may not charge for commodities made available to emergency feeding organizations, and may not pass on to such organizations the cost of any matching requirements, under this section.”.

Prohibition.

REAUTHORIZATIONS

SEC. 1570. Section 210 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by—

(1) in subsection (c)—

(A) striking out “the fiscal years ending September 30, 1984, and September 30, 1985” and inserting in lieu thereof “the period beginning October 1, 1983, and ending September 30, 1987”;

(B) striking out “prior to the beginning of the fiscal year ending September 30, 1985” and inserting in lieu thereof “as early as feasible but not later than the beginning of the fiscal year ending September 30, 1987”; and

(C) striking out “second twelve months” and inserting in lieu thereof “such fiscal year”; and

(2) adding at the end thereof the following:

Regulations.

“(d) The regulations issued by the Secretary under this section shall include provisions that set standards with respect to liability for commodity losses under the program under this title in situations in which there is no evidence of negligence or fraud, and conditions for payment to cover such losses. Such provisions shall take into consideration the special needs and circumstances of emergency feeding organizations”.

REPORT

7 USC 612c note.

SEC. 1571. Not later than April 1, 1987, the Secretary of Agriculture shall report to Congress on the activities of the program conducted under the Temporary Emergency Food Assistance Act of 1983. Such report shall include information on—

(1) the volume and types of commodities distributed under the program;

(2) the types of State and local agencies receiving commodities for distribution under the program;

(3) the populations served under the program and their characteristics;

Transportation.

(4) the Federal, State, and local costs of commodity distribution operations under the program (including transportation, storage, refrigeration, handling, distribution, and administrative costs); and

(5) the amount of Federal funds provided to cover State and local costs under the program.

Subtitle C—Nutrition and Miscellaneous Provisions

SCHOOL LUNCH PILOT PROJECT

SEC. 1581. (a) As used in this section, the term “eligible school district” means a school district that on the date of enactment of this Act, is participating in the pilot project study provided for under the last proviso of the paragraph under the heading “CHILD NUTRITION PROGRAMS” in title III of the Act entitled “An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes”, approved December 15, 1980 (Public Law 96-258; 94 Stat. 3113).

Effective date.

(b) Effective through the school year ending June 30, 1987, the Secretary shall permit an eligible school district to receive assist-

ance to carry out the school lunch program operated in the district in the form of, in lieu of commodities, all cash assistance or all commodity letters of credit assistance.

(c) If an eligible school district elects to receive assistance in the form of all cash assistance or all commodity letters of credit assistance under subsection (a), the Secretary shall provide bonus commodities to the district only in the form of commodities, to the same extent as bonus commodities are provided to other school districts participating in the school lunch program.

GLEANING OF FIELDS

SEC. 1582. (a) Congress finds that—

(1) food banks, soup kitchens, and other emergency food providers help needy persons seeking food assistance at no cost to the Government;

(2) gleaning is a partnership between food producers and nonprofit organizations through which food producers permit members of such organizations to collect grain, vegetables, and fruit which have not been harvested and distribute such items to programs which provide food to needy individuals;

(3) support of gleaning to supply food to the poor is part of the Judeo-Christian heritage as set out in the Book of Leviticus: "When you reap the harvests of your land, do not reap to the very edges of your field or gather the gleanings of your harvest. Do not go over your vineyard a second time or pick up the grapes that have fallen. Leave them for the poor and the alien.";

(4) a 1977 General Accounting Office analysis estimated that during the 1974 harvest 60,000,000 tons of grain, vegetables, and fruit, valued at \$5,000,000,000, were unharvested;

(5) the diets of millions of people in the United States could have been supplemented with such lost grain, vegetables, and fruit;

(6) a number of State and local governments have enacted "Good Samaritan" laws which limit the liability of food donors and provide an incentive for food contributions; and

State and local governments.

(7) numerous civil, religious, charitable, and other nonprofit organizations throughout the country have begun gleaning programs to harvest such food items and channel them to the needy in the United States.

(b) It is the sense of Congress that—

(1) food producers who permit gleaning of their fields and civic, religious, charitable, and other nonprofit organizations which glean fields and distribute the resulting harvest to help the needy should be commended for their efforts; and

(2) State and local governments should be encouraged to enact tax and other incentives designed to increase the number of food producers who permit gleaning of their fields and the number of shippers who donate, or charge reduced rates for, transportation of gleaned produce.

State and local governments.
Transportation.

ISSUANCE OF RULES

SEC. 1583. Not later than April 1, 1987, the Secretary shall issue rules to carry out the amendments made by this title.

7 USC 2011 note.

NUTRITION EDUCATION FINDINGS

7 USC 3175a.

7 USC 2011 note.

SEC. 1584. Congress finds that individuals in households eligible to participate in programs under the Food Stamp Act of 1977 and other low-income individuals, including those residing in rural areas, should have greater access to nutrition and consumer education to enable them to use their food budgets, including food assistance, effectively and to select and prepare foods that satisfy their nutritional needs and improve their diets.

PURPOSE

7 USC 3175b.

Supra; infra;
post, p. 1597.

SEC. 1585. The purpose of the program provided for under sections 1584 through 1588 is to expand effective food, nutrition, and consumer education services to the greatest practicable number of low-income individuals, including those participating in or eligible to participate in the programs under the Food Stamp Act of 1977, to assist them to—

- (1) increase their ability to manage their food budgets, including food stamps and other food assistance;
- (2) increase their ability to buy food that satisfies nutritional needs and promotes good health; and
- (3) improve their food preparation, storage, safety, preservation, and sanitation practices.

PROGRAM

7 USC 3175c.

Supra.

SEC. 1586. The cooperative extension services of the States shall, with funds made available under this subtitle, carry out an expanded program of food, nutrition, and consumer education for low-income individuals in a manner designed to achieve the purpose set forth in section 1585. In operating the program, the cooperative extension services may use the expanded food and nutrition education program, and other food, nutrition, and consumer education activities of the cooperative extension services or similar activities carried out by them in collaboration with other public or private nonprofit agencies or organizations. In carrying out their responsibilities under the program, the cooperative extension services are encouraged to—

- (1) provide effective and meaningful food, nutrition, and consumer education services to as many low-income individuals as possible;
- (2) employ educational methodologies, including innovative approaches, that accomplish the purpose set forth in section 1585; and
- (3) to the extent practicable, coordinate activities carried out under the program with the delivery to low-income individuals of benefits under food assistance programs.

ADMINISTRATION

7 USC 3175d.

Supra.

SEC. 1587. (a) The program provided for under section 1586 shall be administered by the Secretary of Agriculture through the Extension Service, in consultation with the Food and Nutrition Service and the Human Nutrition Information Service. The Secretary shall ensure that the Extension Service coordinates activities carried out under this subtitle with the ongoing food, nutrition, and consumer

education activities of other agencies of the Department of Agriculture.

(b) The Secretary of Agriculture, not later than April 1, 1989, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the effectiveness of the program provided for under section 1586.

Report.

Ante, p. 1596.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1588. (a) There are hereby authorized to be appropriated to carry out sections 1584 through 1588 \$5,000,000 for the fiscal year ending September 30, 1986; \$6,000,000 for the fiscal year ending September 30, 1987; and \$8,000,000 for each of the fiscal years ending September 30, 1988, September 30, 1989, and September 30, 1990.

7 USC 3175e.

Ante, p. 1596.

(b) Any funds appropriated under this section for a fiscal year shall be allocated in the manner specified in subparagraphs (A) and (B) of section 1425(c)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

7 USC 3175.

(c) Any funds appropriated to carry out sections 1584 through 1588 shall supplement any other funds appropriated to the Department of Agriculture for use by the Department and the cooperative extension services of the States for food, nutrition, and consumer education for low-income households.

NUTRITION MONITORING

SEC. 1589. The Secretary of Agriculture shall—

7 USC 3178a.

(1) in conducting the Department of Agriculture's continuing survey of food intakes of individuals and any nationwide food consumption survey, include a sample that is representative of low-income individuals and, to the extent practicable, the collection of information on food purchases and other household expenditures by such individuals;

(2) to the extent practicable, continue to maintain the nutrient data base established by the Department of Agriculture; and

(3) encourage research by public and private entities relating to effective standards, methodologies, and technologies for accurate assessment of the nutritional and dietary status of individuals.

Research and development.

TITLE XVI—MARKETING

Research and development.

Subtitle A—Beef Promotion and Research Act of 1985

AMENDMENT TO BEEF RESEARCH AND INFORMATION ACT

SEC. 1601. (a) This section may be cited as the "Beef Promotion and Research Act of 1985".

Beef Promotion and Research Act of 1985.

(b) Sections 2 through 20 of the Beef Research and Information Act (7 U.S.C. 2901-2918) are amended to read as follows:

7 USC 2901 note.

"CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

"SEC. 2. (a) Congress finds that—

7 USC 2901.

"(1) beef and beef products are basic foods that are a valuable part of human diet;

"(2) the production of beef and beef products plays a significant role in the Nation's economy, beef and beef products are produced by thousands of beef producers and processed by numerous processing entities, and beef and beef products are consumed by millions of people throughout the United States and foreign countries;

"(3) beef and beef products should be readily available and marketed efficiently to ensure that the people of the United States receive adequate nourishment;

"(4) the maintenance and expansion of existing markets for beef and beef products are vital to the welfare of beef producers and those concerned with marketing, using, and producing beef products, as well as to the general economy of the Nation;

"(5) there exist established State and national organizations conducting beef promotion, research, and consumer education programs that are invaluable to the efforts of promoting the consumption of beef and beef products; and

"(6) beef and beef products move in interstate and foreign commerce, and beef and beef products that do not move in such channels of commerce directly burden or affect interstate commerce of beef and beef products.

Prohibition.

"(b) It, therefore, is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided herein, of an orderly procedure for financing (through assessments on all cattle sold in the United States and on cattle, beef, and beef products imported into the United States) and carrying out a coordinated program of promotion and research designed to strengthen the beef industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products. Nothing in this Act shall be construed to limit the right of individual producers to raise cattle.

"DEFINITIONS"

7 USC 2902.

"Sec. 3. For purposes of this Act—

"(1) the term 'beef' means flesh of cattle;

"(2) the term 'beef products' means edible products produced in whole or in part from beef, exclusive of milk and products made therefrom;

Post, p. 1599.

"(3) the term 'Board' means the Cattlemen's Beef Promotion and Research Board established under section 5(1);

"(4) the term 'cattle' means live domesticated bovine animals regardless of age;

"(5) the term 'Committee' means the Beef Promotion Operating Committee established under section 5(4);

"(6) the term 'consumer information' means nutritional data and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchasing, preparing, and use of beef and beef products;

"(7) the term 'Department' means the Department of Agriculture.

"(8) the term 'importer' means any person who imports cattle, beef, or beef products from outside the United States;

"(9) the term 'industry information' means information and programs that will lead to the development of new markets, marketing strategies, increased efficiency, and activities to enhance the image of the cattle industry;

"(10) The term 'order' means a beef promotion and research order issued under section 4.

Infra.

"(11) the term 'person' means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity;

"(12) the term 'producer' means any person who owns or acquires ownership of cattle, except that a person shall not be considered to be a producer if the person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee;

"(13) the term 'promotion' means any action, including paid advertising, to advance the image and desirability of beef and beef products with the express intent of improving the competitive position and stimulating sales of beef and beef products in the marketplace;

"(14) the term 'qualified State beef council' means a beef promotion entity that is authorized by State statute or is organized and operating within a State, that receives voluntary contributions and conducts beef promotion, research, and consumer information programs, and that is recognized by the Board as the beef promotion entity within such State;

"(15) the term 'research' means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of beef and beef products, other related food science research, and new product development;

"(16) the term 'Secretary' means the Secretary of Agriculture;

"(17) The term 'State' means each of the 50 States; and

"(18) the term 'United States' means the several States and the District of Columbia.

"ISSUANCE OF ORDERS

"SEC. 4. (a) During the period beginning on the effective date of this section and ending thirty days after receipt of a proposal for a beef promotion and research order, the Secretary shall publish such proposed order and give due notice and opportunity for public comment on such proposed order. Such proposal may be submitted by any organization meeting the requirements for certification under section 6 or any interested person, including the Secretary.

7 USC 2903.

"(b) After notice and opportunity for public comment are given, as provided for in subsection (a), the Secretary shall issue a beef promotion and research order. The order shall become effective not later than one hundred and twenty days following publication of the proposed order.

Post, p. 1603.

Effective date.

"REQUIRED TERMS IN ORDERS

"SEC. 5. An order issued under section 4(b) shall contain the following terms and conditions:

7 USC 2904.

Supra.

"(1) The order shall provide for the establishment and selection of a Cattlemen's Beef Promotion and Research Board. Members of the Board shall be cattle producers and importers appointed by the Secretary from (A) nominations submitted by eligible State organizations certified under section 6 (or, if the Secretary determines that there is no eligible State organization in a State, the Secretary may provide for nominations from such State to be made in a different manner), and (B) nominations submitted by importers under such procedures as the

Secretary determines appropriate. In determining geographic representation for cattle producers on the Board, whole States shall be considered as a unit. Each State that has a total cattle inventory greater than five hundred thousand head shall be entitled to at least one representative on the Board. A State that has a total inventory of fewer than 500,000 cattle shall be grouped, as far as practicable, with other States each of which has a combined total inventory of not less than 500,000 cattle, into geographically contiguous units in a manner prescribed in the order. A unit may be represented on the Board by more than one member. For each additional million head of cattle within a unit, such unit shall be entitled to an additional member on the Board. The Board may recommend a change in the level of inventory per unit necessary for representation on the Board and, on such recommendation, the Secretary may change the level necessary for representation on the Board. The number of members on the Board that represent importers shall be determined by the Secretary on a proportional basis, by converting the volume of imported beef and beef products into live animal equivalencies.

“(2) The order shall define the powers and duties of the Board, which shall be exercised at an annual meeting, and shall include only the following powers:

“(A) To administer the order in accordance with its terms and provisions.

“(B) To make rules and regulations to effectuate the terms and provisions of the order.

“(C) To elect members of the Board to serve on the Committee.

“(D) To approve or disapprove budgets submitted by the Committee.

“(E) To receive, investigate, and report to the Secretary complaints of violations of the order.

“(F) To recommend to the Secretary amendments to the order.

In addition, the order shall determine the circumstances under which special meetings of the Board may be held.

“(3) The order shall provide that the term of appointment to the Board shall be three years with no member serving more than two consecutive terms, except that initial appointments shall be proportionately for one-year, two-year, and three-year terms; and that Board members shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Board.

“(4)(A) The order shall provide that the Board shall elect from its membership ten members to serve on the Beef Promotion Operating Committee, which shall be composed of ten members of the Board and ten producers elected by a federation that includes as members the qualified State beef councils. The producers elected by the federation shall be certified by the Secretary as producers that are directors of a qualified State beef council. The Secretary also shall certify that such directors are duly elected by the federation as representatives to the Committee.

“(B) The Committee shall develop plans or projects of promotion and advertising, research, consumer information, and industry information, which shall be paid for with assessments

Regulations.

collected by the Board. In developing plans or projects, the Committee shall—

“(i) to the extent practicable, take into account similarities and differences between certain beef, beef products, and veal; and

“(ii) ensure that segments of the beef industry that enjoy a unique consumer identity receive equitable and fair treatment under this Act.

“(C) The Committee shall be responsible for developing and submitting to the Board, for its approval, budgets on a fiscal year basis of its anticipated expenses and disbursements, including probable costs of advertising and promotion, research, consumer information, and industry information projects. The Board shall approve or disapprove such budgets and, if approved, shall submit such budget to the Secretary for the Secretary’s approval.

“(D) The total costs of collection of assessments and administrative staff incurred by the Board during any fiscal year shall not exceed 5 per centum of the projected total assessments to be collected by the Board for such fiscal year. The Board shall use, to the extent possible, the resources, staffs, and facilities of existing organizations.

Prohibition.

“(5) The order shall provide that terms of appointment to the Committee shall be one year, and that no person may serve on the Committee for more than six consecutive terms. Committee members shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Committee. The Committee may utilize the resources, staffs, and facilities of the Board and industry organizations. An employee of an industry organization may not receive compensation for work performed for the Committee, but shall be reimbursed from assessments collected by the Board for reasonable expenses incurred in performing such work.

Prohibition.

“(6) The order shall provide that, to ensure coordination and efficient use of funds, the Committee shall enter into contracts or agreements for implementing and carrying out the activities authorized by this Act with established national nonprofit industry-governed organizations, including the federation referred to in paragraph (4), to implement programs of promotion, research, consumer information, and industry information. Any such contract or agreement shall provide that—

“(A) the person entering the contract or agreement shall develop and submit to the Committee a plan or project together with a budget or budgets that shows estimated costs to be incurred for the plan or project;

Contracts.

“(B) the plan or project shall become effective on the approval of the Secretary; and

“(C) the person entering the contract or agreement shall keep accurate records of all of its transactions, account for funds received and expended, and make periodic reports to the Committee of activities conducted, and such other reports as the Secretary, the Board, or the Committee may require.

Contracts.

“(7) The order shall require the Board and the Committee to—

Records.

Reports.

“(A) maintain such books and records, which shall be available to the Secretary for inspection and audit, as the Secretary may prescribe;

“(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

“(C) account for the receipt and disbursement of all funds entrusted to them.

“(8)(A) The order shall provide that each person making payment to a producer for cattle purchased from the producer shall, in the manner prescribed by the order, collect an assessment and remit the assessment to the Board. The Board shall use qualified State beef councils to collect such assessments.

“(B) If an appropriate qualified State beef council does not exist to collect an assessment in accordance with paragraph (1), such assessment shall be collected by the Board.

“(C) The order also shall provide that each importer of cattle, beef, or beef products shall pay an assessment, in the manner prescribed by the order, to the Board. The assessments shall be used for payment of the costs of plans and projects, as provided for in paragraph (4), and expenses in administering the order, including more administrative costs incurred by the Secretary after the order has been promulgated under this Act, and to establish a reasonable reserve. The rate of assessment prescribed by the order shall be one dollar per head of cattle, or the equivalent thereof in the case of imported beef and beef products. A producer who can establish that the producer is participating in a program of an established qualified State beef council shall receive credit, in determining the assessment due from such producer, for contributions to such program of up to 50 cents per head of cattle or the equivalent thereof. There shall be only one qualified State beef council in each State. Any person marketing from beef from cattle of the person's own production shall remit the assessment to the Board in the manner prescribed by the order.

“(9) The order shall provide that the Board, with the approval of the Secretary, may invest, pending disbursement, funds collected through assessments only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

“(10) The order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing governmental action or policy, with the exception of recommending amendments to the order.

“(11) The order shall require that each person making payment to a producer, any person marketing beef from cattle of the person's own production directly to consumers, and any importer of cattle, beef, or beef products maintain and make available for inspection such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order. Such information shall be made available to the Secretary as is appropriate to the administration or enforcement of this Act, the order, or any regulation issued under this Act. In addition, the Secretary shall authorize the use of information regarding

Regulations.

persons paying producers that is accumulated under a law or regulation other than this Act or regulations under this Act.

"All information so obtained shall be kept confidential by all officers and employees of the Department, and only such information so obtained as the Secretary deems relevant may be disclosed by them and then only in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving the order. Nothing in this paragraph may be deemed to prohibit—

Prohibitions.

"(A) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected therefrom, which statements do not identify the information furnished by any person; or

"(B) the publication, by direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by the person.

"No information obtained under the authority of this Act may be made available to any agency or officer of the United States for any purpose other than the implementation of this Act and any investigatory or enforcement act necessary for the implementation of this Act. Any person violating the provisions of this paragraph shall be subject to a fine of not more than \$1,000, or to imprisonment for not more than one year, or both, and if an officer or employee of the Board or the Department, shall be removed from office.

"(12) The order shall contain terms and conditions, not inconsistent with the provisions of this Act, as necessary to effectuate the provisions of the order.

"CERTIFICATION OF ORGANIZATIONS TO NOMINATE

"SEC. 6. (a) The eligibility of any State organization to represent producers and to participate in the making of nominations under section 5(1) shall be certified by the Secretary. The Secretary shall certify any State organization that the Secretary determines meets the eligibility criteria established under subsection (b) and such determination as to eligibility shall be final.

7 USC 2905.

Ante, p. 1599.

"(b) A State cattle association or State general farm organization may be certified as described in subsection (a) if such association or organization meets all of the following eligibility criteria:

"(1) The association or organization's total paid membership is comprised of at least a majority of cattle producers or the association or organization's total paid membership represents at least a majority of the cattle producers in the State.

"(2) The association or organization represents a substantial number of producers that produce a substantial number of cattle in the State.

"(3) The association or organization has a history of stability and permanency.

"(4) A primary or overriding purpose of the association or organization is to promote the economic welfare of cattle producers.

"(c) Certification of State cattle associations and State general farm organizations shall be based on a factual report submitted by the association or organization involved.

Report.

Ante, p. 1599.

“(d) If more than one State organization is certified in a State (or in a unit referred to in section 5(1)), such organizations may caucus to determine any of such State’s (or such unit’s) nominations under section 5(1).

“REQUIREMENT OF REFERENDUM

7 USC 2906.

“SEC. 7. (a) For the purpose of determining whether the initial order shall be continued, not later than 22 months after the issuance of the order (or any earlier date recommended by the Board), the Secretary shall conduct a referendum among persons who have been producers or importers during a representative period, as determined by the Secretary. The order shall be continued only if the Secretary determines that it has been approved by not less than a majority of the producers voting in the referendum who, during a representative period as determined by the Secretary, have been engaged in the production of cattle. If continuation of the order is not approved by a majority of those voting in the referendum, the Secretary shall terminate collection of assessments under the order within six months after the Secretary determines that continuation of the order is not favored by a majority voting in the referendum and shall terminate the order in an orderly manner as soon as practicable after such determination.

“(b) After the initial referendum, the Secretary may conduct a referendum on the request of a representative group comprising 10 per centum or more of the number of cattle producers to determine whether cattle producers favor the termination or suspension of the order. The Secretary shall suspend or terminate collection of assessments under the order within six months after the Secretary determines that suspension or termination of the order is favored by a majority of the producers voting in the referendum who, during a representative period as determined by the Secretary, have been engaged in the production of cattle and shall terminate or suspend the order in an orderly manner as soon as practicable after such determination.

“(c) The Department shall be reimbursed from assessments collected by the Board for any expenses incurred by the Department in connection with conducting any referendum under this section, except for the salaries of Government employees. Any referendum conducted under this section shall be conducted on a date established by the Secretary, whereby producers shall certify that they were engaged in the production of cattle during the representative period and, on the same day, shall be provided an opportunity to vote in the referendum. Each referendum shall be conducted at county extension offices, and there shall be provision for an absentee mail ballot on request.

“REFUNDS

7 USC 2907.

“SEC. 8. (a) During the period prior to the approval of the continuation of an order pursuant to the referendum required under section 7(a), subject to subsection (f), the Board shall—

“(1) establish an escrow account to be used for assessment refunds;

“(2) place funds in such account in accordance with subsection (b); and

“(3) refund assessments to persons in accordance with this section.

Supra.

“(b) Subject to subsection (f), the Board shall place in such account, from assessments collected under section 7 during the period referred to in subsection (a), an amount equal to the product obtained by multiplying—

Ante, p. 1604.

“(1) the total amount of assessments collected under section 7 during such period; by

“(2) the greater of—

“(A) the average rate of assessment refunds provided to producers under State beef promotion, research, and consumer information programs financed through producer assessments, as determined by the Board; or

“(B) 15 percent.

“(c) Subject to subsections (d), (e), and (f) and notwithstanding any other provision of this subtitle, any person shall have the right to demand and receive from the Board a one-time refund of all assessments collected under section 7 from such person during the period referred to in subsection (a) if such person—

“(1) is responsible for paying such assessment; and

“(2) does not support the program established under this Act.

“(d) Such demand shall be made in accordance with regulations, on a form, and within a time period prescribed by the Board.

Regulations.

“(e) Such refund shall be made on submission of proof satisfactory to the Board that the producer, person, or importer—

“(1) paid the assessment for which refund is sought; and

“(2) did not collect such assessment from another producer, person, or importer.

“(f)(1) If the amount in the escrow account required to be established by subsection (a) is not sufficient to refund the total amount of assessments demanded by all eligible persons under this section and the continuation of an order is approved pursuant to the referendum required under section 10(a), the Board shall—

Post, p. 1606.

“(A) continue to place in such account, from assessments collected under section 5, the amount required under subsection (b), until such time as the Board is able to comply with subparagraph (B); and

Ante, p. 1599.

“(B) provide to all eligible persons the total amount of assessments demanded by all eligible producers.

“(2) If the amount in the escrow account required to be established by subsection (a) is not sufficient to refund the total amount of assessments demanded by all eligible persons under this section and the continuation of an order is not approved pursuant to the referendum required under section 7(a), the Board shall prorate the amount of such refunds among all eligible persons who demand such refund.

“ENFORCEMENT

“SEC. 9. (a) If the Secretary believes that the administration and enforcement of this Act or an order would be adequately served by such procedure, following an opportunity for an administrative hearing on the record, the Secretary may—

7 USC 2908.

“(1) issue an order to restrain or prevent a person from violating an order; and

“(2) assess a civil penalty of not more than \$5,000 for violation of such order.

“(b) The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain a

Regulations.

person from violating, an order or regulation made or issued under this Act.

“(c) A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action.

“INVESTIGATIONS; POWER TO SUBPOENA AND TAKE OATHS AND AFFIRMATIONS; AID OF COURTS

Regulations.
7 USC 2909.

“SEC. 10. The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this Act or to determine whether any person subject to this Act has engaged or is about to engage in any act that constitutes or will constitute a violation of this Act, the order, or any rule or regulation issued under this Act. For the purpose of such investigation, the Secretary may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of the person and the production of records. The court may issue an order requiring such person to appear before the Secretary to produce records or to give testimony regarding the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. Process in any such case may be served in the judicial district in which such person is an inhabitant or wherever such person may be found.

“ADMINISTRATIVE PROVISIONS

Prohibition.
7 USC 2910.

“SEC. 11. (a) Nothing in this Act may be construed to preempt or supersede any other program relating to beef promotion organized and operated under the laws of the United States or any State.

“(b) The provisions of this Act applicable to the order shall be applicable to amendments to the order.

“AUTHORIZATION OF APPROPRIATIONS

7 USC 2911.

“SEC. 12. There are authorized to be appropriated such sums as may be necessary to carry out this Act. Sums appropriated to carry out this Act shall not be available for payment of the expenses or expenditures of the Board or the Committee in administering any provisions of the order issued under section 4(b) of this Act.”.

Ante, p. 1599.

Effective date.
7 USC 2901 note.

(c) The amendments made by this section shall take effect on January 1, 1986.

Pork Promotion,
Research, and
Consumer
Information Act
of 1985.
7 USC 4801 note.

Subtitle B—Pork Promotion, Research, and Consumer Information

SHORT TITLE

SEC. 1611. This subtitle may be cited as the “Pork Promotion, Research, and Consumer Information Act of 1985”.

FINDINGS AND DECLARATION OF PURPOSE

SEC. 1612. (a) Congress finds that—

7 USC 4801.

(1) pork and pork products are basic foods that are a valuable and healthy part of the human diet;

(2) the production of pork and pork products plays a significant role in the economy of the United States because pork and pork products are—

(A) produced by thousands of producers, including many small- and medium-sized producers; and

(B) consumed by millions of people throughout the United States on a daily basis;

(3) pork and pork products must be available readily and marketed efficiently to ensure that the people of the United States receive adequate nourishment;

(4) the maintenance and expansion of existing markets, and development of new markets, for pork and pork products are vital to—

(A) the welfare of pork producers and persons concerned with producing and marketing pork and pork products; and

(B) the general economy of the United States;

(5) pork and pork products move in interstate and foreign commerce;

Commerce and trade.

(6) pork and pork products that do not move in such channels of commerce directly burden or affect interstate commerce in pork and pork products; and

(7) in recent years, increasing quantities of low-cost, imported pork and pork products have been brought into the United States and replaced domestic pork and pork products in normal channels of trade.

(1) It is the purpose of this subtitle to authorize the establishment of an orderly procedure for financing, through adequate assessments, and carrying out an effective and coordinated program of promotion, research, and consumer information designed to—

(A) strengthen the position of the pork industry in the marketplace; and

(B) maintain, develop, and expand markets for pork and pork products.

(2) Such procedure shall be implemented, and such program shall be conducted, at no cost to the Federal Government.

(3) Nothing in this subtitle may be construed to—

Prohibition.

(A) permit or require the imposition of quality standards for pork or pork products;

(B) provide for control of the production of pork or pork products; or

(C) otherwise limit the right of an individual pork producer to produce pork and pork products.

DEFINITIONS

SEC. 1613. For purposes of this subtitle:

7 USC 4802.

(1) The term "Board" means the National Pork Board established under section 1619.

Post, p. 1612.

(2) The term "consumer information" means an activity intended to broaden the understanding of sound nutritional attributes of pork or pork products, including the role of pork or pork products in a balanced, healthy diet.

Post, p. 1609.

(3) The term "Delegate Body" means the National Pork Producers Delegate Body established under section 1617.

(4) The term "imported" means entered, or withdrawn from a warehouse for consumption, in the customs territory of the United States.

Animals.

(5) The term "importer" means a person who imports porcine animals, pork, or pork products into the United States.

(6) The term "order" means a pork and pork products promotion, research, and consumer information order issued under section 1614.

Post, p. 1609.

(7) The term "person" means an individual, group of individuals, partnership, corporation, association, organization, cooperative, or other entity.

(8) The term "porcine animal" means a swine raised for—

(A) feeder pigs;

(B) seedstock; or

(C) slaughter.

(9) The term "pork" means the flesh of a porcine animal.

(10) The term "pork product" means a product produced or processed in whole or in part from pork.

(11) The term "producer" means a person who produces porcine animals in the United States for sale in commerce.

(12) The term "promotion" means an action, including paid advertising, taken to present a favorable image for porcine animals, pork, or pork products to the public with the intent of improving the competitive position and stimulating sales of porcine animals, pork, or pork products.

(13) The term "research" means—

(A) research designed to advance, expand, or improve the image, desirability, nutritional value, usage, marketability, production, or quality of porcine animals, pork, or pork products; or

(B) dissemination to a person of the results of such research.

(14) The term "Secretary" means the Secretary of Agriculture.

(15) The term "State" means each of the 50 States.

(16) The term "State association" means—

(A) the single organization of pork producers in a State that is—

(i) organized under the laws of the State in which such association operates; and

(ii) recognized by the chief executive officer of such State as representing the pork producers of such State; or

(B) if such organization does not exist on the effective date of this subtitle, an organization that represents not fewer than 50 pork producers who market annually, in the aggregate, not less than 10 percent of the volume (measured in pounds) of porcine animals marketed in such State.

(17) The term "to market" means to sell or to otherwise dispose of a porcine animal, pork, or pork product in commerce.

PORK AND PORK PRODUCT ORDERS

- SEC. 1614.** (a) To carry out this subtitle, the Secretary shall, in accordance with this subtitle, issue and, from time to time, amend orders applicable to persons engaged in—
- (1) the production and sale of porcine animals, pork, and pork products in the United States; and
 - (2) the importation of porcine animals, pork, or pork products into the United States.
- (b) The Secretary may issue such regulations as are necessary to carry out this subtitle.

7 USC 4803.

Regulations.

NOTICE AND HEARING

- SEC. 1615.** During the period beginning on the effective date of this subtitle and ending 30 days after receipt of a proposal for an initial order submitted by any person affected by this subtitle, the Secretary shall—
- (1) publish such proposed order; and
 - (2) give due notice of and opportunity for public comment on such proposed order.

7 USC 4804.

FINDINGS AND ISSUANCE OF ORDERS

- SEC. 1616.** (a) After notice and opportunity for public comment have been provided in accordance with section 1615, the Secretary shall issue and publish an order if the Secretary finds, and sets forth in such order, that the issuance of such order and all terms and conditions thereof will assist in carrying out this subtitle.
- (b) Not more than one order may be in effect at a time.
- (c) An order shall become effective on a date that is not more than 30 days following the publication of such order.
- (d) An order shall contain such terms and conditions as are required in sections 1617 through 1620 and, except as provided in section 1621, no others.

7 USC 4805.
Supra.

Prohibition.

Infra; post,
pp. 1610-1614.
Ante, p. 1617.

NATIONAL PORK PRODUCERS DELEGATE BODY

- SEC. 1617.** (a) The order shall provide for the establishment and appointment by the Secretary, not later than 60 days after the effective date of such order, of a National Pork Producers Delegate Body.
- (b)(1) The Delegate Body shall consist of—
- (A) producers, as appointed by the Secretary in accordance with paragraph (2), from nominees submitted as follows:
 - (i) in the case of the initial Delegate Body appointed by each State in accordance with section 1618.
 - (ii) in the case of each succeeding Delegate Body, each State association shall submit nominations selected by such association pursuant to a selection process that—
 - (I) is approved by the Secretary;
 - (II) requires public notice of the process to be given at least one week in advance by publication in a newspaper or newspaper of general circulation in such State and in pork production and agriculture trade publications; and
 - (III) that provides complete and equal access to the nominating process to every producer who has paid all

7 USC 4806.

Post, p. 1611.

Post, p. 1614.

Post, p. 1619.

Post, p. 1611.

assessments due under section 1620 and not demanded a refund under section 1624, or pursuant to an election of nominees conducted in accordance with section 1618.

(iii) In the case of a State that has a State association that does not submit nominations or that does not have a State association, such State shall submit nominations in a manner prescribed by the Secretary; and

(B) importers, as appointed by the Secretary in accordance with paragraph (3).

(2) The number of producer members appointed to the Delegate Body from each State shall equal at least two members, and additional members, allocated as follows:

(A) Shares shall be assigned to each State—

(i) for the 1986 calendar year, on the basis of one share for each \$400,000 of farm market value of porcine animals marketed from such State (as determined by the Secretary based on the annual average of farm market value in the most recent 3 calendar years preceding such year), rounded to the nearest \$400,000; and

(ii) for each calendar year thereafter, on the basis of one share for each \$1,000 of the aggregate amount of assessments collected (minus refunds under section 1624) in such State from persons described in section 1620(a)(1) (A) and (B), rounded to the nearest \$1,000.

(B) If during a calendar year the number of such shares of a State is—

(i) less than 301, the State shall receive a total of two producer members;

(ii) more than 300 but less than 601, the State shall receive a total of three producer members;

(iii) more than 600 but less than 1,001, the State shall receive a total of four producer members; and

(iv) more than 1,000, the State shall receive four producer members, plus one additional member for each 300 additional shares in excess of 1,000 shares, rounded to the nearest 300.

(3) The number of importer members appointed to the Delegate Body shall be determined as follows:

(A) Shares shall be assigned to importers—

(i) for the 1986 calendar year, on the basis of one share for each \$575,000 of market value of marketed porcine animals, pork, or pork products (as determined by the Secretary based on the annual average of imports in the most recent 3 calendar years preceding such year), rounded to the nearest \$575,000; and

(ii) for each calendar year thereafter, on the basis of one share for each \$1,000 of the aggregate amount of assessments collected (minus refunds under section 1624) from importers, rounded to the nearest \$1,000.

(B) The number of importer members appointed to the Delegate Body shall equal a total of—

(i) three members for the first 1,000 such shares; and

(ii) one additional member for each 300 additional shares in excess of 1,000 shares, rounded to the nearest 300.

Animals.

(c)(1) A producer member of the Delegate Body may, in a vote conducted by the Delegate Body for which the member is present, cast a number of votes equal to—

(A) the number of shares attributable to the State of the member; divided by

(B) the number of producer members from such State.

(2) An importer member of the Delegate Body may, in a vote conducted by the Delegate Body for which the member is present, cast a number of votes equal to—

(A) the number of shares allocated to importers; divided by

(B) the number of importer members.

(3) Members entitled to cast a majority of the votes (including fractions thereof) on the Delegate Body shall constitute a quorum.

(4) A majority of the votes (including fractions thereof) cast at a meeting at which a quorum is present shall be decisive of a motion or election presented to the Delegate Body for a vote.

(d) A member of the Delegate Body shall serve for a term of 1 year, except that the term of a member of the Delegate Body shall continue until the successor of such member, if any, is appointed in accordance with subsection (b)(1).

(e)(1) At the first annual meeting, the Delegate Body shall select a Chairman by a majority vote.

(2) At each annual meeting thereafter, the President of the Board shall serve as the Chairman of the Delegate Body.

(f) A member of the Delegate Body shall serve without compensation, but may be reimbursed by the Board from assessments collected under section 1620 for transportation expenses incurred in performing duties as a member of the Delegate Body.

Post, p. 1614.

(g)(1) The Delegate Body shall—

(A) nominate—

(i) not less than 23 persons for appointment to the Board, for the first year for which nominations are made; and

(ii) not less than 1½ persons (rounded up to the nearest person) for each vacancy in the Board that requires nominations thereafter; and

(B) submit such nominations to the Secretary.

(2) The Delegate Body shall meet annually to make such nominations.

(3) A majority of the Delegate Body shall vote in person in order to nominate members to the Board.

(h) The Delegate Body shall—

(1) recommend the rate of assessment prescribed by the initial order and any increase in such rate pursuant to section 1620(5); and

(2) determine the percentage of the aggregate amount of assessments collected in a State that each State association shall receive under section 1620(c)(1).

SELECTION OF DELEGATE BODY

SEC. 1618. (a)(1) Not later than 30 days after the effective date of the order, the Secretary shall call for the nomination within each State of candidates for appointment as producer members of the initial Delegate Body.

7 USC 4807.

(2) Each State association may nominate producers who are residents of such State to serve as such candidates.

(3)(A) Additional producers who are residents of a State may be nominated as candidates of such State by written petition signed by 100 producers or 5 percent of the pork producers in such State, whichever is less. The Secretary shall establish and publicize the procedures governing the time and place for filing petitions.

(b)(1) After the Secretary has received the nominations required under subsection (a) and not later than 45 days after the effective date of the order, the Secretary shall call for an election within each State of persons for appointment as producer members of the initial Delegate Body.

(2) To be eligible to vote in an election held in a State, a person must be a producer who is a resident of such State.

(3)(A) Notice of each such election shall be given by the Secretary—

(i) by publication in a newspaper or newspapers of general circulation in each State, and in pork production and agriculture trade publications, at least 1 week prior to the election; and

(ii) in any other reasonable manner determined by the Secretary.

(B) The notice shall set forth the period of time and places for voting and such other information as the Secretary considers necessary.

Ante, p. 1609.

(4) Each State shall nominate to the Delegate Body the number of producer members required under section 1617(b)(2)(B).

(5) The producers who receive the highest number of votes in each State shall be nominated for appointment as members of the Delegate Body from such State.

(c)(1) Except as provided in paragraph (3), after the election of the producer members of the initial Delegate Body, the Board shall administer all subsequent nominations and elections of the producer members to be nominated for appointment as members of the Delegate Body, with the assistance of the Secretary and in accordance with subsections (a)(3) and (b).

(2) The Board shall determine the timing of an election referred to in paragraph (1).

(3) To be eligible to vote in such an election in a State, a person must—

(A) be a producer who is a resident of such State;

Post, p. 1614.

(B) have paid all assessments due under section 1620; and

Post, p. 1619.

(C) not demanded a refund of an assessment under section 1624.

(d)(1) Prior to the expiration of the term of any producer member of the Delegate Body, the Board shall appoint a nominating committee of producers who are residents of the State represented by such member.

(2) Such committee shall nominate producers of such State as candidates to fill the position for which an election is to be held.

(3) Additional producers who are residents of a State may be nominated to fill such positions in accordance with subsection (a)(3).

NATIONAL PORK BOARD

7 USC 4808.

SEC. 1619. (a)(1) The order shall provide for the establishment and appointment by the Secretary of a 15-member National Pork Board.

(2) The Board shall consist of producers representing at least 12 States and importers appointed by the Secretary from nominations submitted under section 1617(g).

Ante, p. 1609.

(2) The Board shall consist of producers or importers appointed by the Secretary from nominations submitted under section 1617(g).

(3) A member of the Board shall serve for a 3-year term, with no such member serving more than two consecutive 3-year terms, except that initial appointments to the Board shall be staggered with an equal number of members appointed, to the maximum extent possible, to 1-year, 2-year, and 3-year terms, except that the term of a member of the Board shall continue until the successor of such member, if any, is appointed in accordance with paragraph (2).

(4) The Board shall select its President by a majority vote.

(5)(A) A majority of the members of the Board shall constitute a quorum at a meeting of the Board.

(B) A majority of votes cast at a meeting at which a quorum is present shall determine a motion or election.

(6) A member of the Board shall serve without compensation, but shall be reimbursed by the Board from assessments collected under section 1620 for reasonable expenses incurred in performing duties as a member of the Board.

Post, p. 1614.

(b)(1) The Board shall—

(A) develop, at the initiative of the Board or other person, proposals for promotion, research, and consumer information plans and projects;

(B) submit such plans and projects to the Secretary for approval;

(C) administer the order, in accordance with the order and this subtitle;

(D) prescribe such rules as are necessary to carry out such order;

(E) receive, investigate, and report to the Secretary complaints of violations of such order;

(F) make recommendations to the Secretary with respect to amendments to such order; and

(G) employ a staff and conduct routine business.

(2) The Board shall prepare and submit to the Secretary, for the approval of the Secretary, a budget for each fiscal year of anticipated expenses and disbursements of the Board in the administration of the order, including the projected cost of—

(A) any promotion, research or consumer information plan or project to be conducted by the Board directly or by way of contract or agreement; and

Contracts.

(B) the budgets, plans, or projects for which State associations are to receive funds pursuant to section 1620(c)(1).

(3) No plan, project, or budget referred to in paragraph (1) or (2) may become effective unless approved by the Secretary.

Prohibition.

(4)(A) The Board, with the approval of the Secretary, may enter into contracts or agreements with a person for—

Contracts.

(i) the development and conduct of activities authorized under an order; and

(ii) the payment of the cost thereof with funds collected through assessments under such order.

(B) Such contract or agreement shall require that—

(i) the contracting party develop and submit to the Board a plan or project, together with a budget or budgets that include the estimated cost to be incurred under such plan or project;

(ii) such plan or project become effective on the approval of the Secretary; and

(iii) the contracting party—

(I) keep accurate records of all relevant transactions of the party;

(II) make periodic reports to the Board of—

(aa) relevant activities the party has conducted; and

(bb) an accounting for funds received and expended under such contract; and

(III) make such other reports as the Secretary or Board may require.

ASSESSMENTS

7 USC 4809.
Ante, p. 1609.

SEC. 1620. (a)(1) The order shall provide that, not later than 30 days after the effective date of the order under section 1616(c) an assessment shall be paid, in the manner prescribed in the order. Upon the appointment of the Board, the assessments held in escrow shall be distributed to the Board. Except as provided in paragraph (3), assessments shall be payable by—

Animals.

(A) each producer for each porcine animal described in subparagraph (A) or (C) of section 1613(8) produced in the United States that is sold or slaughtered for sale;

Ante, p. 1607.

(B) each producer for each porcine animal described in subsection 1613(8)(B) that is sold; and

(C) each importer for each porcine animal, pork, or pork product that is imported into the United States.

Ante, p. 1612.

(2) Such assessment shall be collected and remitted to the Board once it is appointed pursuant to section 1619, but, until that time, to the Secretary, who shall promptly proceed to distribute the funds received by him in accordance with the provisions of subsection (c), except that the Secretary shall retain the funds to be received by the Board until such time as the Board is appointed pursuant to section 1619, by—

(A) in the case of subparagraph (A) of paragraph (1), the purchaser of the porcine animal referred to in such subparagraph;

(B) in the case of subparagraph (B) of paragraph (1), the producer of the porcine animal referred to in such subparagraph; and

(C) in the case of subparagraph (C) of paragraph (1), the importer referred to in such subparagraph.

Animals.

(3) A person is not required to pay an assessment for a porcine animal, pork, or pork product under paragraph (1) if such person proves to the Board that an assessment was paid previously under such paragraph by a person for such porcine animal (of the same category described in subparagraph (A), (B), or (C) of section 1613(8)), pork, or pork product.

(b)(1) Except as provided in paragraph (2), the rate of assessment prescribed by the initial order shall be the lesser of—

(A) 0.25 percent of the market value of the porcine animal, pork, or pork product sold or imported; or

(B) an amount established by the Secretary based on a recommendation of the Delegate Body.

(2) Except as provided in paragraph (3), the rate of assessment in the initial order may be increased by not more than 0.1 percent per year on recommendation of the Delegate Body.

(3) The rate of assessment may not exceed 0.50 percent of such market value unless—

(A) after the initial referendum required under section 1622(a), the Delegate Body recommends an increase in such rate above 0.50 percent; and

Post, p. 1618.

(B) such increase is approved in a referendum conducted under section 1622(b).

(4)(A) Pork or pork products imported into the United States shall be assessed based on the equivalent value of the live porcine animal from which such pork or pork products were produced, as determined by the Secretary.

Animals.

(B) The Secretary may waive the collection of assessments on a portion of such imported pork or pork products if the Secretary determines that such collection is not practicable.

(c) Funds collected by the Board from assessments collected under this section shall be distributed and used in the following manner:

(1)(A) Each State association, shall receive an amount of funds equal to the product obtained by multiplying—

Animals.

(i) the aggregate amount of assessments attributable to porcine animals produced in such State by persons described in subsection (a)(1) (A) and (B) minus that State's share of refunds determined pursuant to paragraph (4) by such persons pursuant to section 1624; and

Post, p. 1619.

(ii) a percentage applicable to such State association determined by the Delegate Body, but in no event less than sixteen and one-half percent, or

(B) in the case of a State association that was conducting a pork promotion program in the period from July 1, 1984, to June 30, 1985, if greater than (A) an amount of funds equal to the amount of funds that would have been collected in such State pursuant to the pork promotion program in existence in such State from July 1, 1984, to June 30, 1985, had the porcine animals, subject to assessment and to which no refund was received in such State in each year following the enactment of this Act, been produced from July 1, 1984, to June 30, 1985, and been subject to the rates of assessments then in effect and the rate of return then in effect from each State to the Council described in paragraph (2)(A), and other national entities involved in pork promotion, research and consumer information.

(C) A State association shall use such funds and any proceeds from the investment of such funds for financing—

(i) promotion, research, and consumer information plans and projects, and

(ii) administrative expenses incurred in connection with such plans and projects.

(2)(A) The National Pork Producers Council, a nonprofit corporation of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 and incorporated in the State of Iowa, shall receive an amount of funds equal to—

Corporation.
Iowa.
26 USC 501.

(i) 37½ percent of the aggregate amount of assessments collected under this section throughout the United States from the date assessment commences pursuant to subsection (a)(1) until the first day of the month following the month in which the Board is appointed pursuant to section 1619.

Ante, p. 1612.

(ii) 35 percent thereafter until the referendum is conducted pursuant to section 1622,

Post, p. 1618.

Ante, pp. 1612,
1614.

(iii) 25 percent until twelve months after the referendum is conducted, and

(iv) no funds thereafter except in so far as it obtains such funds from the Board pursuant to sections 1619 or 1620, each of which amounts determined under (i), (ii), and (iii) shall be less the Council's share of refunds determined pursuant to paragraph (4).

(B) The Council shall use such funds and proceeds from the investment of such funds for financing—

(i) promotion, research, and consumer information plans and projects, and

(ii) administrative expenses of the Council.

(3)(A) The Board shall receive the amount of funds that remain after the distribution required under paragraphs (1) and (2).

(B) The Board shall use such funds and any proceeds from the investment of such funds pursuant to subsection (g) for—

(i) financing promotion, research, and consumer information plans and projects in accordance with this title;

(ii) such expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary;

(iii) accumulation of a reasonable reserve to permit an effective promotion, research, and consumer information program to continue in years when the amount of assessments may be reduced; and

(iv) administrative costs incurred by the Secretary to carry out this title, including any expenses incurred for the conduct of a referendum under this title.

(4)(A) Each State's share of refunds shall be determined by multiplying the aggregate amount of refunds received by producers in such State by the percentage applicable to such State pursuant to paragraph (1)(A)(ii).

(B) The National Pork Producers Council's share of refunds shall be determined by multiplying its applicable percent of the aggregate amount of assessments by the product of—

(i) subtracting from the aggregate amount of refunds received by all producers the aggregate amount of State share or refunds in every State determined pursuant to subparagraph (A), and

(ii) adding to that sum the aggregate amount of refunds received by importers.

Prohibition.

(d) No promotion funded with assessments collected under this subtitle may make—

(1) a false or misleading claim on behalf of pork or a pork product; or

(2) a false or misleading statement with respect to an attribute or use of a competing product.

Prohibition.

(e) No funds collected through assessments authorized by this section may, in any manner, be used for the purpose of influencing legislation, as defined in section 4911 (d) and (e)(2) of the Internal Revenue Code of 1954.

26 USC 4911.

(f) The Board shall—

Reports.

(1) maintain such books and records, and prepare and submit to the Secretary such reports from time to time, as may be required by the Secretary for appropriate accounting of the

receipt and disbursement of funds entrusted to the Board or a State association, as the case may be; and

(2) cause a complete audit report to be submitted to the Secretary at the end of each fiscal year. Report.

(g) The Board, with the approval of the Secretary, may invest funds collected through assessments authorized under this section, pending disbursement for a plan or project, only in—

(1) an obligation of the United States, or of a State or political subdivision thereof;

(2) an interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(3) an obligation fully guaranteed as to principal and interest by the United States.

PERMISSIVE PROVISIONS

SEC. 1621. (a) On the recommendation of the Board, and with the approval of the Secretary, an order may contain one or more of the following provisions: 7 USC 4810.

(1) Each person purchasing a porcine animal from a producer for commercial use, and each importer, shall— Animals.

(A) maintain and make available for inspection such books and records as may be required by the order; and

(B) file reports at the time, in the manner, and having the content prescribed by the order, Records.
Reports.
Animals.

including documentation of the State of origin of a purchased porcine animal or the place of origin of an imported porcine animal, pork, or pork product.

(2) A term or condition—

(A) incidental to, and not inconsistent with, the terms and conditions specified in this subtitle; and

(B) necessary to effectuate the other provisions of such order.

(b)(1) Information referred to in subsection (a)(1) shall be made available to the Secretary and the Board as is appropriate or necessary for the effectuation, administration, or enforcement of this subtitle or an order.

(2)(A) Except as provided in subparagraphs (B) and (C), information obtained under subsection (a)(1) shall be kept confidential by officers or employees of the Department of Agriculture or the Board.

(B) Such information may be disclosed only—

(i) in a suit or administrative hearing involving the order with respect to which the information was furnished or acquired—

(I) brought at the direction or on the request of the Secretary; or

(II) to which the Secretary or an officer of the United States is a party; and

(ii) if the Secretary considers such information to be relevant to such suit or hearing.

(C) Nothing in this section prohibits—

(i) the issuance of a general statement based on the reports of a number of persons subject to an order, or statistical data collected therefrom, if such statement or data does not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of a person violating an order, together with a statement of the particular provisions of the order violated by such person.

(c) A person who willfully violates subsection (a)(1) or (b) shall, on conviction, be—

(1) subject to a fine of not more than \$1,000 or imprisoned for not more than 1 year, or both; and

(2) if such person is an employee of the Department of Agriculture or the Board, removed from office.

REFERENDUM

7 USC 4811.

SEC. 1622. (a) For the purpose of determining whether an order then effect shall be continued during the period beginning not earlier than 24 months after the issuance of the order and ending not later than 30 months after the issuance of the order, the Secretary shall conduct a referendum among persons who have been pork producers and importers during a representative period, as determined by the Secretary.

(b)(1) Such order shall be continued only if the Secretary determines that such order has been approved by not less than a majority of the producers and importers voting in the referendum.

(2) If the continuation of such order is not approved by a majority of the producers and importers voting in the referendum, the Secretary shall terminate—

(A) collection of assessments under the order not later than 6 months after the date of such determination; and

(B) the order in an orderly manner as soon as practicable after the date of such determination.

(c) The Secretary shall be reimbursed from assessments collected by the Board for any expenses incurred in connection with a referendum conducted under this section or section 1623.

(d) A referendum shall be conducted in such manner as prescribed by the Secretary.

(e) A referendum to amend the initial order shall be conducted pursuant to this section.

Infra.

SUSPENSION AND TERMINATION OF ORDERS

7 USC 4812.

Supra.

SEC. 1623. (a) If after the initial referendum provided for in section 1622(a) the Secretary determines that an order, or a provision of the order, obstructs or does not tend to effectuate the declared policy of this subtitle, the Secretary shall terminate or suspend the operation of such order or provision.

(b)(1)(A) Except as provided in paragraph (2), after the initial referendum provided for in section 1622(a), on the request of a number of persons equal to at least 15 percent of persons who have been producers and importers during a representative period, as determined by the Secretary, the Secretary shall conduct a referendum to determine whether the producers and importers favor the termination or suspension of the order.

(B) The Secretary shall—

(i) suspend or terminate collection of assessments under the order not later than 6 months after the date the Secretary determines that suspension or termination of the order is favored by a majority of the producers and importers voting in the referendum; and

(ii) terminate the order in an orderly manner as soon as practicable after the date of such determination.

- (2) Except with respect to a referendum required to be conducted under section 1622, the Secretary shall not be required by paragraph to conduct more than one referendum under this subtitle in a 2-year period.
- (c) The termination or suspension of an order, or a provision of an order, shall not be considered an order within the meaning of this subtitle.

Prohibition.
Ante, p. 1618.

Prohibition.

REFUNDS

- SEC. 1624. (a) Notwithstanding any other provision of this subtitle, prior to the approval of the continuation of an order pursuant to the referendum required under section 1622(a), any person shall have the right to demand and receive from the Board a refund of an assessment collected under section 1620 if such person—
- (1) is responsible for paying such assessment; and
- (2) does not support the program established under this subtitle.
- (b) Such demand shall be made in accordance with regulations, on form, and within a time period prescribed by the Board and approved by the Secretary, but not later than 30 days after the end of the month in which the assessment was paid.
- (c) Such refund shall be made not later than 30 days after demand received therefore on submission of proof satisfactory to the Board at the producer, person, or importer—
- (1) paid the assessment for which refund is sought; and
- (2) did not collect such assessment from another producer, person, or importer.

7 USC 4813.

Ante, p. 1614.

PETITION AND REVIEW

- SEC. 1625. (a)(1) A person subject to an order may file with the Secretary a petition—
- (A) stating that such order, a provision of such order, or an obligation imposed in connection with such order is not in accordance with law; and
- (B) requesting a modification of such order or an exemption from such order.
- (2) Such person shall be given an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.
- (3) After such hearing, the Secretary shall make a determination granting or denying such petition.
- (b)(1) A district court of the United States in the district in which such person resides or does business shall have jurisdiction to review such determination if a complaint for such purpose is filed not later than 20 days after the date such person receives notice of such determination.
- (2) Service of process in such proceeding may be made on the Secretary by delivering a copy of the complaint to the Secretary.
- (3) If a court determines that such determination is not in accordance with law, the court shall remand such proceedings to the Secretary with directions to—
- (A) make such ruling as the court shall determine to be in accordance with law; or
- (B) take such further proceedings as, in the opinion of the court, the law requires.

7 USC 4814.

Regulations.

ENFORCEMENT

Regulations.
7 USC 4815.

SEC. 1626. (a)(1) A district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain a person from violating an order, rule, or regulation issued under this subtitle.

(2) A civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this subtitle if the Secretary believes that the administration and enforcement of this subtitle would be adequately served by providing a suitable written notice or warning to a person who committed such violation or by administrative action under subsection (b).

Regulations.

(b)(1)(A) A person who willfully violates an order, rule, or regulation issued by the Secretary under this subtitle may be assessed—

(i) a civil penalty by the Secretary of not more than \$1,000 for each such violation; and

(ii) in the case of a willful failure to pay, collect, or remit an assessment as required by an order, an additional penalty equal to the amount of such assessment.

(B) Each such violation shall be a separate offense.

Regulations.

(C) In addition to or in lieu of such civil penalty, the Secretary may issue an order requiring such person to cease and desist from violating such order, rule, or regulation.

Prohibition.

(D) No penalty may be assessed or cease-and-desist order issued unless the Secretary gives such person notice and opportunity for a hearing on the record with respect to such violation.

(E) An order issued under this paragraph by the Secretary shall be final and conclusive unless such person files an appeal from such order with the appropriate United States court of appeals not later than 30 days after such person receives notice of such order.

(2)(A) A person against whom an order is issued under paragraph (1) may obtain review of such order in the court of appeals of the United States for the circuit in which such person resides or does business, or in the United States Court of Appeals for the District of Columbia Circuit, by—

(i) filing a notice of appeal in such court not later than 30 days after the date of such order; and

(ii) simultaneously sending a copy of such notice by certified mail to the Secretary.

(B) The Secretary shall file promptly in such court a certified copy of the record on which such violation was found.

(C) A finding of the Secretary shall be set aside only if the finding is found to be unsupported by substantial evidence.

(3)(A) A person who fails to obey a valid cease-and-desist order issued under paragraph (1) by the Secretary, after an opportunity for a hearing, shall be subject to a civil penalty assessed by the Secretary of not more than \$500 for each offense.

(B) Each day during which such failure continues shall be considered a separate violation of such order.

(4)(A) If a person fails to pay a valid civil penalty imposed under this subsection by the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in an appropriate district court of the United States.

(B) In such action, the validity and appropriateness of the order imposing such civil penalty shall not be subject to review.

(c) The remedies provided in subsections (a) and (b) shall be in addition to, and not exclusive of, other remedies that may be available.

INVESTIGATIONS

SEC. 1627. (a) The Secretary may make such investigations as the Secretary considers necessary— 7 USC 4816.

(1) for the effective administration of this subtitle; or

(2) to determine whether a person subject to this subtitle has engaged, or is about to engage, in an act that constitutes, or will constitute, a violation of this subtitle or an order, rule, or regulation issued under this subtitle. Regulations.

(b)(1) For the purpose of such investigation, the Secretary may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry.

(2) Such attendance of witnesses and the production of such records may be required from any place in the United States.

(c)(1) In the case of contumacy, or refusal to obey a subpoena, by a person, the Secretary may invoke the aid of a court of the United States with jurisdiction over such investigation or proceeding, or where such person resides or does business, in requiring the attendance and testimony of such person and the production of such records.

(2) The court may issue an order requiring such person to appear before the Secretary to produce records or to give testimony touching the matter under investigation.

(3) A failure to obey an order issued under this section by the court may be punished by the court as a contempt thereof.

(4) Process in such case may be served in the judicial district in which such person is an inhabitant or wherever such person may be found.

PREEMPTION

SEC. 1628. (a) This subtitle is intended to occupy the field of— 7 USC 4817.

(1) promotion and consumer education involving pork and pork products; and

(2) obtaining funds therefor from pork producers.

(b) The regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from this subtitle may not be imposed by a State. Regulations. Prohibition.

(c) This section shall apply only during a period beginning on the date of the commencement of the collection of assessments under section 1620 and ending on the date of the termination of the collection of assessments under section 1622(a)(3) or 1622(b)(1)(B). Ante, p. 1614. Ante, p. 1618.

ADMINISTRATIVE PROVISION

SEC. 1629. The provisions of this subtitle applicable to orders shall be applicable to amendments to orders. 7 USC 4818.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 1630. (a) There are authorized to be appropriated such sums as may be necessary for the Secretary to carry out this subtitle, 7 USC 4819.

Ante, p. 1620. subject to reimbursement from the Board under section 1620(c)(3)(B)(iv).

(b) Sums appropriated to carry out this subtitle shall not be available for payment of an expense or expenditure incurred by the Board in administering an order.

EFFECTIVE DATE

Effective date.
7 USC 4801 note.

SEC. 1631. This subtitle shall become effective on January 1, 1986.

Watermelon
Research and
Promotion Act.
7 USC 4901 note.

Subtitle C—Watermelon Research and Promotion Act

SHORT TITLE

SEC. 1641. This subtitle may be cited as the “Watermelon Research and Promotion Act”.

FINDINGS AND DECLARATION OF POLICY

7 USC 4901 note.

SEC. 1642. (a) Congress finds that—

(1) the per capita consumption of watermelons in the United States has declined steadily in recent years;

(2) watermelons are an important cash crop to many farmers in the United States and are an economical, enjoyable, and healthful food for consumers;

(3) approximately 2,607,600,000 pounds of watermelons with a farm value of \$158,923,000 were produced in 1981 in the United States;

(4) watermelons move in the channels of interstate commerce, and watermelons that do not move in such channels directly affect interstate commerce;

(5) the maintenance and expansion of existing markets and the establishment of new or improved markets and uses for watermelons are vital to the welfare of watermelon growers and those concerned with marketing, using, and handling watermelons, as well as the general economic welfare of the Nation; and

(6) the development and implementation of coordinated programs of research, development, advertising, and promotion are necessary to maintain and expand existing markets and establish new or improved markets and uses for watermelons.

Prohibition.

(b) It is declared to be the policy of Congress that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the development, financing (through adequate assessments on watermelons harvested in the United States for commercial use), and carrying out of an effective, continuous, and coordinated program of research, development, advertising, and promotion designed to strengthen the watermelon's competitive position in the marketplace, and establish, maintain, and expand domestic and foreign markets for watermelons produced in the United States. The purpose of this subtitle is to so authorize the establishment of such procedure and the development, financing, and carrying out of such program. Nothing in this subtitle may be construed to dictate quality standards nor provide for the control of production or otherwise limit the right of individual watermelon producers to produce watermelons.

DEFINITIONS

SEC. 1643. As used in this subtitle—

7 USC 4902.

(1) the term “Secretary” means the Secretary of Agriculture;

(2) the term “person” means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity;

(3) the term “watermelon” means all varieties of watermelon grown by producers in the forty-eight contiguous States of the United States;

(4) the term “handler” means any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons in a manner specified in a plan issued under this subtitle or in regulations promulgated thereunder;

(5) the term “producer” means any person engaged in the growing of five or more acres of watermelons;

(6) the term “promotion” means any action taken by the Board, under this subtitle, to present a favorable image for watermelons to the public with the express intent of improving the competitive position of watermelons in the marketplace and stimulating sales of watermelons, and shall include, but not be limited to, paid advertising; and

(7) the term “Board” means the National Watermelon Promotion Board provided for in section 1644.

Infra.

ISSUANCE OF PLANS

SEC. 1644. To effectuate the declared policy of this subtitle, the Secretary shall, under the provisions of this subtitle, issue, and from time to time may amend, orders (applicable to producers and handlers of watermelons) authorizing the collection of assessments on watermelons under this subtitle and the use of such funds to cover the costs of research, development, advertising, and promotion with respect to watermelons under this subtitle. Any order issued by the Secretary under this subtitle shall hereinafter in this subtitle be referred to as a “plan”. Any plan shall be applicable to watermelons produced in the forty-eight contiguous States of the United States.

7 USC 4903.

NOTICE AND HEARINGS

SEC. 1645. (a) When sufficient evidence, as determined by the Secretary, is presented to the Secretary by watermelon producers and handlers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this subtitle, the Secretary shall give due notice and opportunity for a hearing on a proposed plan. Such hearing may be requested by watermelon producers or handlers or by any other interested person, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

7 USC 4904.

(b) After notice and opportunity for hearing as provided in subsection (a) of this section, the Secretary shall issue a plan if the Secretary finds, and sets forth in such plan, on the evidence introduced at the hearing that the issuance of the plan and all the terms and conditions thereof will tend to effectuate the declared policy of this subtitle.

REGULATIONS

7 USC 4905.

SEC. 1646. The Secretary may issue such regulations as may be necessary to carry out the provisions of this subtitle and the powers vested in the Secretary under this subtitle.

REQUIRED TERMS IN PLANS

7 USC 4906.

SEC. 1647. (a) Any plan issued under this subtitle shall contain the terms and provisions described in this section.

(b) The plan shall provide for the establishment by the Secretary of the National Watermelon Promotion Board and for defining its powers and duties, which shall include the powers to—

Regulations.

(1) administer the plan in accordance with its terms and conditions;

(2) make rules and regulations to effectuate the terms and conditions of the plan;

Report.

(3) receive, investigate, and report to the Secretary complaints of violations of the plan; and

(4) recommend to the Secretary amendments to the plan.

(c) The plan shall provide that the Board shall be composed of representatives of producers and handlers, and one representative of the public, appointed by the Secretary from nominations submitted in accordance with this subsection. An equal number of representatives of producers and handlers shall be nominated by producers and handlers, and the representative of the public shall be nominated by the producer and handler members of the Board, in such manner as may be prescribed by the Secretary. If producers and handlers fail to select nominees for appointment to the Board, the Secretary may appoint persons on the basis of representation as provided for in the plan. If the Board fails to nominate a public representative, the Secretary shall choose such representative for appointment.

(d) The plan shall provide that all Board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the Board.

(e) The plan shall provide that the Board shall prepare and submit to the Secretary for the Secretary's approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

Post, p. 1625.

(f) The plan shall provide for the fixing by the Secretary of assessments to cover costs incurred under the budgets provided for in subsection (e), and under section 1648(f), based on the Board's recommendation as to the appropriate rate of assessment, and for the collection of the assessments by the Board.

(g) The plan shall provide that—

Prohibition.

(1) funds collected by the Board shall be used for research, development, advertising, or promotion of watermelons and such other expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary, including any referendum and administrative costs incurred by the Department of Agriculture under this subtitle;

(2) no advertising or sales promotion program under this subtitle shall make any reference to private brand names nor use false or unwarranted claims in behalf of watermelons or

their products or false or unwarranted statements with respect to attributes or use of any competing products;

(3) no funds collected by the Board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsections (b)(4) and (f); and

(4) assessments shall be made on watermelons produced by producers and watermelons handled by handlers, and the rate of such assessments shall be the same, on a per-unit basis, for producers and handlers. If a person performs both producing and handling functions, both assessments shall be paid by such person.

(h) The plan shall provide that, notwithstanding any other provisions of this subtitle, any watermelon producer or handler against whose watermelons an assessment is made and collected under this subtitle and who is not in favor of supporting the research, development, advertising, and promotion program provided for under this subtitle shall have the right to demand a refund of the assessment from the Board, under regulations, and on a form and within a time period (not less than 90 days), prescribed by the Board and approved by the Secretary. A producer or handler who timely makes demand in accord with the regulations, on submission of proof satisfactory to the Board that the producer or handler paid the assessment for which the refund is sought, shall receive such refund within 60 days after demand therefor.

(i) The plan shall provide that the Board, subject to the provisions of subsections (e), (f), and (g), shall develop and submit to the Secretary, for the Secretary's approval, any research, development, advertising, or promotion program or project, and that a program or project must be approved by the Secretary before becoming effective.

(j) The plan shall provide the Board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising, promotion programs or projects, and the payment of the cost thereof with funds collected under this subtitle.

(k) The plan shall provide that the Board shall (1) maintain books and records, (2) prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it, and (3) cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 1648. (a) Any plan issued under this subtitle may contain one or more of the terms and provisions described in this section, but except as provided in section 1647 no others.

(b) The plan may provide for the exemption, from the provisions of the plan, of watermelons used for nonfood uses, and authority for the Board to establish satisfactory safeguards against improper use of such exemption.

(c) The plan may provide for the designation of different handler payment and reporting schedules with respect to assessments, as provided for in sections 1647 and 1649, to recognize differences in marketing practices and procedures used in different production areas.

Prohibition.

Regulations.

Contracts.

Report.

7 USC 4907.

Ante, p. 1624.

Post, p. 1626.

(d) The plan may provide for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and other sales promotion of watermelons and for the disbursement of necessary funds for such purposes. Any such program or project shall be directed toward increasing the general demand for watermelons, and promotional activities shall comply with the provisions of section 1647(g).

Ante, p. 1624.

(e) The plan may provide for establishing and carrying out research and development projects and studies to the end that the marketing and use of watermelons may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

Prohibition.

(f) The plan may provide authority for the accumulation of reserve funds from assessments collected under this subtitle, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when watermelon production and assessment income may be reduced, except that the total reserve fund may not exceed the amount budgeted for two years operation.

(g) The plan may provide for the use of funds from assessments collected under this subtitle, with the approval of the Secretary, for the development and expansion of sales of watermelons in foreign markets.

(h) The plan may contain terms and conditions incidental to and not inconsistent with the terms and conditions specified in this subtitle and necessary to effectuate the other provisions of the plan.

ASSESSMENT PROCEDURES

Records.
Prohibition.
7 USC 4908.

SEC. 1649. (a) Each handler required to pay assessments under a plan, as provided for under section 1647(f), shall be responsible for payment to the Board, as it may direct, of the assessments. A handler also shall collect from any producer, or shall deduct from the proceeds paid to any producer, on whose watermelons a producer assessment is made, the assessments required to be paid by the producer. The handler shall remit producer assessments to the Board as the Board directs. Such handler shall maintain a separate record with respect to each producer for whom watermelons were handled. Such records shall indicate the total quantity of watermelons handled by the handler, including those handled for producers and for the handler, the total quantity of watermelons handled by the handler that are included under the terms of the plan, as well as those that are exempt under the plan, and such other information as may be prescribed by the Board. To facilitate the collection and payment of assessments, the Board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures used in any State or area. The handler shall be assessed an equal amount as the producer. No more than one assessment on a producer nor more than one assessment on a handler shall be made on any watermelons.

Records.
Regulation.

(b) Handlers responsible for payment of assessments under subsection (a) shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the Board and to the Secretary that is appropriate

necessary to the effectuation, administration, or enforcement of this subtitle or of any plan or regulation issued under this subtitle. All information obtained under subsections (a) and (b) shall be confidential by all officers and employees of the Department of Justice and of the Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or on the request, of the Secretary, or to a person in the Secretary or any officer of the United States is a party, involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this subsection shall be deemed to prohibit—

Prohibition.

(1) the issuance of general statements based on the reports of the number of handlers subject to a plan if such statements do not identify the information furnished by any person; or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

c. 1650. (a) Any person subject to a plan may file a written petition with the Secretary, stating that the plan or any provision of the plan, or any obligation imposed in connection therewith, is not in accordance with law and praying for a modification thereof or to be exempted therefrom. The person shall be given an opportunity for a hearing on the petition, in accordance with regulations prescribed by the Secretary. After the hearing, the Secretary shall issue a ruling on the petition, which shall be final if in accordance with the law.

Regulations.
7 USC 4909.

The district courts of the United States in any district in which the person is an inhabitant, or in which the person's principal place of business is located, are hereby vested with jurisdiction to review the ruling, provided that a complaint for that purpose is filed within twenty days from the date of the entry of the ruling. Service of process in such proceedings may be had on the Secretary by delivering to the Secretary a copy of the complaint. If the court determines that the ruling is not in accordance with law, it shall set aside the proceedings to the Secretary with directions either to (1) issue such ruling as the court shall determine to be in accordance with law, or (2) take such further proceedings as, in its opinion, the court requires. The pendency of proceedings instituted under subsection (a) shall not impede or delay the United States or the Secretary from obtaining relief under section 1851(a).

ENFORCEMENT

c. 1651. (a) The several district courts of the United States are hereby vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation made or issued under this subtitle. The facts relating to any civil action that may be brought under this subsection shall be referred to the Attorney General for appropriate action, except that nothing in this title shall be construed as requiring the Secretary to refer to the

Regulations.
Prohibition.
7 USC 4910.

Attorney General violations of this subtitle whenever the Secretary believes that the administration and enforcement of the plan or regulation would be adequately served by administrative action under subsection (b) or suitable written notice or warning to any person committing the violations.

Regulations.

(b)(1) Any person who violates any provision of any plan or regulation issued by the Secretary under this subtitle, or who fails or refuses to pay, collect, or remit any assessment or fee required of the person thereunder, may be assessed a civil penalty by the Secretary of not less than \$500 nor more than \$5,000 for each violation. Each violation shall be a separate offense. In addition to or in lieu of such civil penalty, the Secretary may issue an order requiring the person to cease and desist from continuing the violation. No penalty shall be assessed nor cease and desist order issued unless the person is given notice and opportunity for a hearing before the Secretary with respect to the violation. The order of the Secretary assessing a penalty or imposing a cease and desist order shall be final and conclusive unless the person affected by the order files an appeal from the Secretary's order with the appropriate United States court of appeals.

(2) Any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under paragraph (1) may obtain review in the court of appeals of the United States for the circuit in which such person resides or carries on business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in such court within thirty days after the date of the order and by simultaneously sending a copy of the notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record on which the violation was found. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence.

(3) Any person who fails to obey a cease and desist order after it has become final and unappealable, or after the appropriate court of appeals has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review under the procedures specified in paragraphs (1) and (2), of not more than \$500 for each offense. Each day during which the failure continues shall be deemed a separate offense.

(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

INVESTIGATION AND POWER TO SUBPOENA

Regulations.
7 USC 4911.

SEC. 1652. (a) The Secretary may make such investigations as the Secretary deems necessary to carry out effectively the Secretary's responsibilities under this subtitle or to determine whether a handler or any other person has engaged or is engaging in any acts or practices that constitute a violation of any provision of this subtitle, or of any plan or regulation issued under this subtitle. For the purpose of an investigation, the Secretary may administer oaths and

affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring the person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by the court as contempt thereof. All process in any such case may be served in the judicial district in which the person is an inhabitant or wherever the person may be found. The place of any hearing held under this subsection shall be within the judicial district in which the handler or other person is an inhabitant or in which the person's principal place of business is located.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based on, or growing out of, any alleged violation of this subtitle, or of any plan or regulation issued thereunder, on the grounds that the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture. However, no person shall be prosecuted or subjected to any penalty or forfeiture on account of any transaction, matter, or thing concerning which the person is compelled, after having claimed the person's privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Prohibition.
Regulation.

REQUIREMENT OF REFERENDUM

SEC. 1653. The Secretary shall conduct a referendum among producers and handlers not exempt under sections 1643(5) and 1648(b) who, during a representative period determined by the Secretary, have been engaged in the production or handling of watermelons, for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers and handlers. The referendum shall be conducted at the county extension offices. No plan issued under this subtitle shall be effective unless the Secretary determines that the issuance of the plan is approved or favored by not less than two-thirds of the producers and handlers voting in such referendum, or by the producers and handlers of not less than two-thirds of the watermelons produced and handled during the representative period by producers and handlers voting in such referendum, and by not less than a majority of the producers and a majority of the handlers voting in the referendum. The ballots and other information or reports that reveal or tend to reveal the identity of any producer or handler or the person's volume of watermelons produced or handled shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of

Prohibition.
7 USC 4912.
Ante, p. 1623.
Ante, p. 1625.

Ante, p. 1626. Agriculture violating the provisions hereof shall be subject to the penalties provided in section 1649(c) of this subtitle.

SUSPENSION OR TERMINATION OF PLANS

7 USC 4913. SEC. 1654. (a) Whenever the Secretary finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this subtitle, the Secretary shall terminate or suspend the operation of the plan or provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or 10 per centum or more of the watermelon producers and handlers eligible to vote in a referendum, to determine if watermelon producers and handlers favor the termination or suspension of the plan. The Secretary shall terminate or suspend the plan at the end of the marketing year whenever the Secretary determines that the termination or suspension is favored by a majority of those voting in the referendum, and who produce or handle more than 50 per centum of the volume of the watermelons produced by the producers or handled by the handlers voting in the referendum. Any such referendum shall be conducted at county extension offices.

AMENDMENT PROCEDURE

7 USC 4914. SEC. 1655. The provisions of this subtitle applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

Provisions held
invalid.
Prohibition.
7 USC 4915.

SEC. 1656. If any provision of this subtitle or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this subtitle and the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

Prohibition.
7 USC 4916.

SEC. 1657. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this subtitle, except that the funds so appropriated shall not be available for the payment of any expenses or expenditures of the Board in administering any provision of any plan issued under authority of this subtitle.

Subtitle D—Marketing Orders

MAXIMUM PENALTY FOR ORDER VIOLATIONS

7 USC 674.

SEC. 1661. (a) Section 8c(14) of the Agricultural Adjustment Act (7 U.S.C. 608c(14)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking out "\$500" and inserting in lieu thereof "\$5,000".

Prohibition.
7 USC 608c
note.

(b) The amendment made by subsection (a) shall not apply with respect to any violation described in section 8c(14) of the Agricultural Adjustment Act occurring before the date of the enactment of this Act.

LIMITATION ON AUTHORITY TO TERMINATE MARKETING ORDERS

SEC. 1662. (a) Section 8c(16) of the Agricultural Adjustment Act (7 U.S.C. 608c(16)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by—

7 USC 674.

(1) in subparagraph (A)—

(A) striking out “The Secretary” and inserting in lieu thereof “(i) Except as provided in clause (ii), the Secretary”; and

(B) adding at the end thereof the following:

“(ii) The Secretary may not terminate any order issued under this section for a commodity for which there is no Federal program established to support the price of such commodity unless the Secretary gives notice of, and a statement of the reasons relied upon by the Secretary for, the proposed termination of such order to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than 60 days before the date such order will be terminated.”; and

(2) in subparagraph (C), striking out “The termination” and inserting in lieu thereof “Except as otherwise provided in this subsection with respect to the termination of an order issued under this section, the termination”.

(b) The Secretary of Agriculture may not terminate any marketing order under section 8c(16) of the of the Agricultural Adjustment Act (7 U.S.C. 608c(16)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, if such termination comes effective before January 16, 1986.

Prohibition.
7 USC 608c
note.

CONFIDENTIALITY OF INFORMATION

SEC. 1663. Section 8d(2) of the Agricultural Adjustment Act (7 U.S.C. 608d(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by—

(1) inserting in the first sentence after “pursuant to this section” the following: “, as well as information for marketing order programs that is categorized as trade secrets and commercial or financial information exempt under section 552(b)(4) of title 5 of the United States Code from disclosure under section 552 of such title,”; and

(2) inserting after the first sentence the following: “Notwithstanding the preceding sentence, any such information relating to a marketing agreement or order applicable to milk may be released upon the authorization of any regulated milk handler to whom such information pertains. The Secretary shall notify the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than 10 legislative days before the contemplated release under law, of the names and addresses of producers participating in such marketing agreements and orders, and shall include in such notice a statement of reasons relied upon by the Secretary in making the determination to release such names and addresses.”.

Milk.

Subtitle E—Grain Inspection

GRAIN STANDARDS

SEC. 1671. Section 4 of the United States Grain Standards Act (7 U.S.C. 76) is amended by adding at the end thereof the following:

"(c) If the Government of any country requests that moisture content remain a criterion in the official grade designations of grain, such criterion shall be included in determining the official grade designation of grain shipped to such country."

NEW GRAIN CLASSIFICATIONS

7 USC 76 note.

SEC. 1672. (a) The Secretary of Agriculture shall direct the Federal Grain Inspection Service and the Agricultural Research Service to cooperate in developing new means of establishing grain classifications taking into account characteristics other than those visually evident.

Report.
Wheat.

(b) The Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, semiannually, with the first report due not later than December 31, 1985, on the status of cooperative efforts required under subsection (a), as such efforts relate to more accurately classifying types of wheat and other grains currently in use.

STUDY OF GRAIN STANDARDS

SEC. 1673. (a)(1) The Office of Technology Assessment shall conduct a study of United States grain export quality standards and grain handling practices.

(2) The Office of Technology Assessment shall conduct such study—

(A) in consultation with the Secretary of Agriculture; and

(B) in accordance with Section 3(d) of Technology Assessment Act of 1972 (2 U.S.C. 472(d)).

(b) In conducting such study, the Office of Technology Assessment shall—

(1) evaluate the competitive problems the United States faces in international grain markets that may be attributed to grain quality standards and handling practices rather than price;

(2) identify the extent to which United States grain export quality standards and handling practices have contributed toward the recent decline in United States grain exports; and

(3) perform a comparative analysis between—

(A) the grain quality standards and practices of the United States and the major grain export competitors of the United States;

(B) the grain handling technology of the United States and the major grain export competitors of the United States;

Regulation.

(4) evaluate the consequences on United States export grain sales, the cost of exporting grain, and the prices received by farmers should United States export grain elevators be subject, by law or regulation, to requirements that—

Prohibition.

(A) no dockage or foreign material (including but not limited to dust or particles of whatever origin) once removed from grain shall be recombined with any grain if

there is a possibility that the recombined product may be exported from the United States;

(B) no dockage or foreign material of any origin may be added to any grain that may be exported if the result will be to reduce the grade or quality of the grain or to reduce the ability of the grain to resist spoilage; and

(C) no blending of grain with a similar grain of different moisture content may be permitted if the difference between the moisture contents of the grains being blended is more than 1 percent; and

(5) evaluate the current method of establishing grain classification, the feasibility of utilizing new technology to correctly classify grains, and the impact of new seed varieties on exports and users of grain.

c) Not later than December 1, 1986, the Office of Technology Assessment shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study required under this section, together with such comments and recommendations for the improvement of United States grain export quality standards and handling practices as the Office of Technology Assessment considers appropriate.

TITLE XVII—RELATED AND MISCELLANEOUS MATTERS

Subtitle A—Processing, Inspection, and Labeling

POULTRY INSPECTION

Sec. 1701. (a) Section 17 of the Poultry Products Inspection Act (21 U.S.C. 466) is amended by adding at the end thereof the following new subsection:

“(d)(1) Notwithstanding any other provision of law, all poultry, or parts or products thereof, capable of use as human food offered for exportation into the United States shall—

“(A) be subject to the same inspection, sanitary, quality, species verification, and residue standards applied to products produced in the United States; and

“(B) have been processed in facilities and under conditions that are the same as those under which similar products are processed in the United States.

“(2) Any such imported poultry article that does not meet such standards shall not be permitted entry into the United States.

“(3) The Secretary shall enforce this subsection through—

“(A) random inspections for such species verification and for residues; and

“(B) random sampling and testing of internal organs and fat of carcasses for residues at the point of slaughter by the exporting country, in accordance with methods approved by the Secretary.”.

(b) The amendment made by this section shall become effective 6 months after the date of enactment of this Act.

Effective date.
21 USC 466 note.

**INSPECTION AND OTHER STANDARDS FOR IMPORTED MEAT AND MEAT
FOOD PRODUCTS**

Prohibition.

SEC. 1702. (a) Section 20(f) of the Federal Meat Inspection Act (21 U.S.C. 620(f)) is amended by striking out the last sentence and inserting in lieu thereof the following: "Each foreign country from which such meat articles are offered for importation into the United States shall obtain a certification issued by the Secretary stating that the country maintains a program using reliable analytical methods to ensure compliance with the United States standards for residues in such meat articles. No such meat article shall be permitted entry into the United States from a country for which the Secretary has not issued such certification. The Secretary shall periodically review such certifications and shall revoke any certification if the Secretary determines that the country involved is not maintaining a program that uses reliable analytical methods to ensure compliance with United States standards for residues in such meat articles. The consideration of any application for a certification under this subsection and the review of any such certification, by the Secretary, shall include the inspection of individual establishments to ensure that the inspection program of the foreign country involved is meeting such United States standards."

(b) Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by adding at the end thereof the following:

**Animals.
Prohibition.**

"(g) The Secretary may prescribe terms and conditions under which cattle, sheep, swine, goats, horses, mules, and other equines that have been administered an animal drug or antibiotic banned for use in the United States may be imported for slaughter and human consumption. No person shall enter cattle, sheep, swine, goats, horses, mules, and other equines into the United States in violation of any order issued under this subsection by the Secretary."

**EXAMINATION AND REPORT OF LABELING AND SANITATION STANDARDS
FOR IMPORTATION OF AGRICULTURAL COMMODITIES**

Study.

SEC. 1703. (a)(1) The Comptroller General of the United States shall conduct a study of Department of Health and Human Services and Department of Agriculture product purity and inspection requirements and regulations currently in effect for imported food products and agricultural commodities. The study shall evaluate the effectiveness of Federal regulations and inspection procedures to detect prohibited chemical residues and foreign matter in or on food or raw agricultural commodities in processed or unprocessed form.

**Regulations.
Animals.**

(2) The study shall include a review of Federal regulations and inspection procedures currently in effect to detect in imported live animals chemicals and chemical residues the use of which is prohibited in the production of domestic live animals.

Reports.

(3) The study shall include recommendations regarding the feasibility of requiring that quality control reports relating to product purity and inspection procedures be submitted from processing plants certified by the Secretary of Agriculture as eligible to export meat and meat food products to the United States.

(4) The study shall include recommendations on the adequacy of the Department of Health and Human Services and the Department of Agriculture to prescribe and enforce food sanitation requirements

and chemical and chemical residue standards for imported agricultural commodities and food products.

(b) The study also shall evaluate the feasibility of requiring all imported meat and meat food products, agricultural commodities, and products of such commodities to bear a label stating the country of origin of such commodities and products. The study shall include an evaluation of the feasibility of requiring any person owning or operating an eating establishment that serves any meat or meat food product required to be marked or labeled under paragraph (1) or (2) of section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) to inform individuals purchasing food from such establishment that meat or meat food products served at the establishment may be imported articles—

(1) by displaying a sign indicating that imported meat is served in such establishment; or

(2) by providing the information specified in paragraph (1) of such section 7(c) on the menus offered to such individuals.

(c) The Secretary shall submit the results of the study conducted under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than one year after the date of enactment of this Act.

POTATO INSPECTION

SEC. 1704. The Secretary of Agriculture shall perform random spot checks of potatoes entering through ports of entry in the northeastern United States. The Secretary of Agriculture shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives the results of such spot checks.

Report.
7 USC 499n
note.

Subtitle B—Agricultural Stabilization and Conservation Committees

LOCAL COMMITTEES

SEC. 1711. (a) The fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended—

(1) by striking out the third sentence and inserting in lieu thereof the following:

There shall be 3 local administrative areas in each county, except that, in counties with less than one hundred and fifty farmers, the county committee selected as hereinafter provided may reduce the number of local administrative areas to one, and except that the Secretary may include more than one county or parts of different counties in a local administrative area when the Secretary determines that there are insufficient farmers in an area to establish a slate of candidates for a community committee and hold an election.

(2) by striking out “annually” in the fourth sentence (as it existed before the amendments made by this section);

(3) by inserting after the fourth sentence (as it existed before the amendments made by this section) the following new sentences: “Each member of a local committee shall be elected for a term of 3 years. Each local committee shall meet (A) once each year and shall receive compensation for such meeting by the Secretary at not less than the level in effect on December 31,

1985, and (B) at the direction of the county committee and with the approval of the State committee, such additional times during the year as may be necessary to carry out this section without compensation. The meetings of a local committee shall be held on different days of the year.”; and

(4) by inserting after the eighth sentence (as it existed before the amendments made by this section) the following new sentences: “The local committees in each county shall (A) in a county in which there is more than one local committee, serve as advisors and consultants to the county committee; (B) periodically meet with the county committee and State committee to be informed on farm program issues; (C) communicate with producers within their communities on issues or concerns regarding farm programs; (D) report to the county committee the State committee, and other interested persons on changes to, or modifications of, farm programs recommended by producers in their communities; and (E) perform such other functions as are required by law or as the Secretary may specify. The Secretary shall ensure that information concerning changes in Federal laws in effect with respect to agricultural programs and the administration of such laws are communicated in a timely manner to local committees in areas that contain agricultural producers who might be affected by such changes.”.

Effective date.
Prohibition.
16 USC 590h
note.

(b)(1) The amendments made by this section shall become effective on January 1, 1986, except that the amendments made by clauses (2) and (3) of subsection (a) shall not apply with respect to the term of office of any member of a local committee elected before January 1, 1986.

16 USC 590h.

(2) If the number of local administrative areas and local committees in a county increases as a result of a change in the number of local administrative areas in the county under section 8(b) of the Soil Conservation and Domestic Allotment Act (as amended by subsection (a)(1)), any member of a local committee in such county elected before January 1, 1986, shall serve the unexpired portion of any term commenced before the date of such increase as a member of the local committee for the administrative area in which such member resides.

COUNTY COMMITTEES

SEC. 1712. The first sentence of the fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended—

(1) by inserting “and as otherwise directed by law with respect to other programs and functions,” after “Alaska,”; and

(2) by inserting a semicolon and “and the Secretary may use the services of such committees in carrying out other programs and functions of the Department of Agriculture” before the period at the end thereof.

SALARY AND TRAVEL EXPENSES

SEC. 1713. (a) Section 388(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1388(b)) is amended—

(1) by inserting “(1)” after the subsection designation; and

(2) by adding at the end thereof the following new paragraph: “(2)(A) The Secretary shall provide compensation to members of such county committees (at not less than the level in effect on

December 31, 1985 for county committees) for work actually performed by such persons in cooperating in carrying out the Acts in connection with which such committees are used.

“(B) The rate of compensation received by such persons for such work on the date of enactment of the Food Security Act of 1985 shall be increased at the discretion of the Secretary.”.

(b) Section 388 of such Act is amended by adding at the end thereof the following new subsection:

7 USC 1388.

“(c)(1) The Secretary shall make payments to members of local, county, and State committees to cover expenses for travel incurred by such persons (including, in the case of a member of a local or county committee, travel between the home of such member and the local county office of the Agricultural Stabilization and Conservation Service) in cooperating in carrying out the Acts in connection with which such Committees are used.

“(2) Such travel expenses shall be paid in the manner authorized under section 5703 of title 5, United States Code, for the payment of expenses and allowances for individuals employed intermittently in the Federal Government service.”.

(c) The amendments made by this section shall become effective on January 1, 1986.

Effective date.
7 USC 1388 note.

Subtitle C—National Agricultural Policy Commission Act of 1985

National
Agricultural
Policy
Commission Act
of 1985.
7 USC 5001 note

SHORT TITLE

SEC. 1721. This subtitle may be cited as the “National Agricultural Policy Commission Act of 1985”.

DEFINITIONS

SEC. 1722. As used in this subtitle—

7 USC 5001.

(1) the term “Commission” means the National Commission on Agricultural Policy established under section 1723;

Infra.

(2) the term “Governor” means the chief executive officer of a State; and

(3) the term “State” means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

ESTABLISHMENT OF COMMISSION

SEC. 1723. (a) There is established a National Commission on Agricultural Policy to conduct a study of—

National
Commission on
Agricultural
Policy.
Study.
7 USC 5002.

(A) the structure, procedures, and methods of formulating and administering agricultural policies, programs, and practices of the United States; and

(B) conditions in rural areas of the United States and the manner in which such conditions relate to the provision of public services by Federal, State, and local governments.

Rural areas.
State and local
governments.

(b) In addition to the members specified in subsection (c), the Commission shall be composed of fifteen members appointed by the President and selected as follows:

(1) The President shall request Governors of States to nominate members representing individuals and industries directly affected by agricultural policies, including—

President of
U.S.

(A) producers of major agricultural commodities or the products thereof in the United States;

(B) processors or refiners of United States agricultural commodities or the products thereof;

(C) exporters, transporters, or shippers of United States agricultural commodities or the products thereof;

(D) suppliers of agricultural equipment or materials to United States farmers;

(E) providers of financing or credit for agricultural purposes; and

(F) consumers of United States agricultural commodities or the products thereof.

(2) The Governor of a State may submit to the President a list of not less than two, nor more than four, nominees to serve on the Commission who represent individuals and industries referred to in paragraph (1).

President of U.S.

(3)(A) Except as provided in subparagraphs (B) and (C), the President shall appoint 15 individuals from a total of, to the extent practicable, not less than sixty individuals nominated by States under paragraph (2) to serve on the Commission.

(B) The President may appoint to the Commission not more than—

(i) one individual nominated by a particular State; and

(ii) seven individuals of the same political party.

(C) If the President determines that the individuals nominated by States under paragraph (2) are not broadly representative of the individuals and industries referred to in paragraph (1), the President may substitute no more than three other individuals to serve on the Commission who represent such individuals and industries.

Prohibition.

(c)(1) The chairmen and ranking minority members of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate shall—

(A) serve as ex officio members of the Commission; and

(B) have the same voting rights as the members of the Commission selected and appointed under subsection (b).

(2) The chairmen and ranking minority members may designate other members of the respective committees to serve in their stead as members of the Commission.

(d) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e) The Commission shall elect a chairman from among the members of the Commission who are selected and appointed under the provisions of subsection (b).

(f) The Commission shall meet at the call of the chairman or a majority of the Commission.

CONDUCT OF STUDY

7 USC 5003.

SEC. 1724. The Commission shall study—

(1) the structure, procedures, and methods of formulating and administering agricultural policies, programs, and practices of the United States, including—

(A) the effectiveness of existing agricultural programs in improving farm income;

(B) the manner in which the programs may be improved to retain a family-farm system of agricultural production;

(C) the effect of legislative and administrative changes in agricultural policy on planning and long-term profitability of farmers;

(D) the effect on farmers of the existing system and structure of formulating and implementing agriculture policy;

(E) the effect of national and international economic trends on United States agricultural production;

(F) the means of adjusting the agricultural policies, programs, and practices of the United States to meet changing economic conditions;

(G) potential areas of conflict and compatibility between the structure of making agricultural policy and long-term stability in policy and practices;

(H) changing demographic trends and the manner in which such trends affect agriculture and agricultural policy consistency; and

(I) the role of State and local governments in future agricultural policy; and

(2) conditions in rural areas of the United States and the manner in which such conditions relate to the provision of public services by Federal, State, and local governments, including an analysis of—

(A) conditions that reflect the declining rural economy, including economic and demographic trends, rural and agricultural income and debt, and other appropriate social and economic indicators of such conditions;

(B) trends and fiscal conditions of rural local governments;

(C) trends and patterns in the delivery of rural public services;

(D) the impact of the deregulation of transportation, telecommunications, and banking on the rural economy and delivery of public services; and

(E) trends and patterns of Federal, State, and local government financing, delivery, and regulation of public services in rural areas of the United States.

State and local governments.

State and local governments.

Transportation.
Communications and telecommunications.
Banks and banking.
Regulations.
Rural areas.

REPORTS

SEC. 1725. Not later than twelve months after the date of the enactment of this Act, and each twelve months thereafter during the existence of the Commission, the Commission shall submit an annual report to the President and Congress containing the findings and recommendations of the Commission with respect to the matters referred to in section 1724. The Commission may not comment on legislation pending before Congress unless specifically requested to do so by the Chairman of an appropriate committee.

7 USC 5004.

Ante, p. 1638.

ADMINISTRATION

SEC. 1726. (a) The heads of executive agencies, the General Accounting Office, the International Trade Commission, and the Congressional Budget Office, to the extent permitted by law, shall provide the Commission with such information as the Com-

7 USC 5005.

mission may require in carrying out the duties and functions of the Commission.

(b)(1) Except as provided in paragraph (2), members of the Commission shall serve without any additional compensation for work performed on the Commission.

(2) Such members who are private citizens of the United States may be allowed travel expenses, including a per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service under sections 5701 through 5707 of title 5, United States Code.

(c) Subject to the availability of funds appropriated in advance and such rules as may be adopted by the Commission and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification and General Schedule pay rates, the Chairman of the Commission may appoint and fix the compensation of a director and such additional staff personnel as the Commission determines are necessary to carry out duties and functions of the Commission.

(d)(1) On the request of the Commission, the Secretary of Agriculture shall furnish the Commission with such personnel and support services as are necessary to assist the Commission in carrying out duties and functions of the Commission.

(2) On the request of the Commission, the heads of other executive agencies and the General Accounting Office may furnish the Commission with such personnel and support services as the head of the agency or Office and the Chairman of the Commission agree are necessary to assist the Commission in carrying out duties and functions of the Commission.

(3) The Commission shall not be required to pay or reimburse an agency or the Office for personnel and support services provided under this section.

(e)(1) In accordance with section 12 of the Federal Advisory Committee Act, the Secretary of Agriculture shall maintain records of—

(A) the disposition of any funds that may be at the disposal of the Commission; and

(B) the nature and extent of activities of the Commission.

(2) The Comptroller General of the United States shall have access to such records for the purpose of audit and examination.

(f) The Commission shall be exempt from sections 7(d), 10(e), 10(f), and 14 of the Federal Advisory Committees Act and sections 4301 through 4308 of title 5 of the United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1727. (a) There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) To the maximum extent practicable, this subtitle shall be carried out using funds otherwise available to the Secretary of Agriculture for the expenses of advisory committees.

TERMINATION

SEC. 1728. This subtitle and the Commission shall terminate five years after the date of enactment of this Act.

5 USC 5101
et seq.
5 USC 5331
et seq.

Prohibition.

Records.
5 USC app.

5 USC app.

7 USC 5006.

7 USC 5007.

Subtitle C—National Aquaculture Improvement Act of 1985

SHORT TITLE

National
Aquaculture
Improvement
Act of 1985.
16 USC 2801
note.

SEC. 1731. This subtitle may be cited as the “National Aquaculture Improvement Act of 1985”.

FINDINGS, PURPOSE, AND POLICY

SEC. 1732. Section 2 of the National Aquaculture Act of 1980 (16 S.C. 2801) is amended—

(1) by amending subsection (a)(3)—

(A) by striking out “10 per centum” and inserting in lieu thereof “13 percent”, and

(B) by striking out “3 per centum” and inserting in lieu thereof “6 percent”;

(2) by amending subsection (a)(7) by inserting “scientific,” before “economic,” and by inserting “the lack of supportive Government policies,” immediately after “management information,”;

(3) by amending subsection (b)—

(A) by striking out “and” at the end of paragraph (2),

(B) by redesignating paragraph (3) as paragraph (4), and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) establishing the Department of Agriculture as the lead Federal agency with respect to the coordination and dissemination of national aquaculture information by designating the Secretary of Agriculture as the permanent chairman of the coordinating group and by establishing a National Aquaculture Information Center within the Department of Agriculture; and”;

(4) by amending subsection (c) by inserting “for reducing the United States trade deficit in fisheries products,” immediately after “potential” in the first sentence.

DEFINITIONS

SEC. 1733. Section 3 of the National Aquaculture Act of 1980 (16 S.C. 2802) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph:

“(8) The term ‘Secretary’ means the Secretary of Agriculture.”.

NATIONAL AQUACULTURE DEVELOPMENT PLAN

SEC. 1734. Section 4 of the National Aquaculture Act of 1980 (16 S.C. 2803) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out “Secretaries” each place it appears in paragraph (2) and inserting in lieu thereof “Secretary”;

(B) by amending the first sentence of paragraph (2) by inserting “the Secretary of Commerce and the Secretary of the Interior,” immediately after “shall consult with”

(C) by striking out paragraph (3).

(2) Subsection (b) is amended—

- (A) by inserting "to" immediately after "determine" in paragraph (1);
- (B) by striking out "Secretaries deem" in paragraph (6) and inserting in lieu thereof "Secretary deems"; and
- (C) by striking out "Secretaries" in the matter following paragraph (6) and inserting in lieu thereof "Secretary".
- (3) Subsection (c) is amended—
 - (A) by striking out "Secretaries determine" in paragraph (1) and inserting in lieu thereof "Secretary determines";
 - (B) by striking out "and" at the end of paragraph (2)(A);
 - (C) by striking out the period at the end of paragraph (2)(B) and inserting in lieu thereof "; and"; and
 - (D) by inserting immediately after paragraph (2)(B) the following new subparagraph:
 - "(C) the concurrence of the Secretaries."

FUNCTIONS AND POWERS OF SECRETARIES

SEC. 1735. Section 5 of the National Aquaculture Act of 1980 (16 U.S.C. 2804) is amended as follows:

(1) Subsection (c) is amended to read as follows:

"(c) INFORMATION SERVICES.—(1) In addition to performing such other mandatory functions under this Act—

"(A) the Secretaries shall collect and analyze scientific, technical, legal, and economic information relating to aquaculture, including acreages, water use, production, marketing, culture techniques, and other relevant matters;

"(B) the Secretary shall—

"(i) establish, within the Department of Agriculture, a National Aquaculture Information Center that shall serve as a repository for the information generated under subparagraph (A) and other provisions of this Act and shall, on a request basis, make that information available to the public,

"(ii) arrange with foreign nations for the exchange of information relating to aquaculture and support a translation service, and

Study. "(iii) conduct a study of the extent to which the United States aquaculture industry has access to relevant Federal programs which assist the agricultural sector and report to Congress on the findings of such study by December 31, 1986;

Study. "(C) the Secretary of Commerce shall conduct a study, and report to Congress thereon by December 31, 1987, to determine whether existing capture fisheries could be adversely affected by competition from products produced by commercial aquacultural enterprises and include in such study an assessment of any adverse effect, by species and by geographical region, on such fisheries and recommend measures to ameliorate any such effect; and

Study. "(D) the Secretary of the Interior, in consultation with the Secretary of Commerce, shall undertake a study, and report to Congress thereon by December 31, 1987, to identify exotic species introduced into the United States waters as a result of aquaculture activities, and to determine the potential benefits and impacts of the introduction of exotic species.

(2) Any production information submitted to the Secretaries under paragraph (1)(A) shall be confidential and may only be disclosed if required under court order. The Secretaries shall preserve confidentiality. The Secretaries may release or make public information in any aggregate or summary form that does not directly or indirectly disclose the identity, business transactions, or the secrets of any person who submits such information.”.

(2) Subsection (d) is amended—

(A) by striking out “Secretaries” each place it appears and inserting in lieu thereof “Secretary”;

(B) by inserting “and in consultation with the Secretary of Commerce and the Secretary of the Interior,” immediately after “group” in the first sentence;

(C) in the second sentence by—

(i) striking out “Each such” and inserting in lieu thereof “Such”; and

(ii) striking out “under section 4(d)”;

(D) by striking out “deem” in the second sentence and inserting in lieu thereof “deems”; and

(E) by striking out the last sentence and inserting in lieu thereof “The report required by this subsection shall be submitted to the Congress not later than February 1, 1988.”. Report.

COORDINATION OF NATIONAL ACTIVITIES REGARDING AQUACULTURE

SEC. 1736. Section 6 of the National Aquaculture Act of 1980 (16 USC 2805) is amended as follows:

(1) Subsection (a) is amended by inserting “, who shall be the permanent chairman of the coordinating group” immediately after “Agriculture” in paragraph (1).

(2) Subsection (c) is repealed.

(3) Subsections (d), (e), and (f) are redesignated as subsections (c), (d), and (e), respectively.

(4) Subsection (e), as redesignated by paragraph (3), is amended by striking out “subsection (d)” in the second sentence and inserting in lieu thereof “subsection (c)”.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1737. Section 10 of the National Aquaculture Act of 1980 (16 USC 2809) is amended by striking out “1985” in each of paragraphs (1), (2), and (3) and inserting in lieu thereof “1985, and 1986, 1987, and 1988”. 98 Stat. 3407.

Subtitle E—Special Study and Pilot Projects on Futures Trading

FINDINGS AND DECLARATION OF POLICY

SEC. 1741. (a) Congress finds that there is a need for investigation and development of alternative price support programs carried out by the Department of Agriculture; that agricultural producers and processors have insufficient knowledge concerning the nature and extent of price stabilization available in the private sector; and that more information is needed to accurately assess the Federal budgetary impact of producer participation in such private sector risk management services. 7 USC 1421 note.

Research and
development.

(b) It is declared to be the policy of the United States that the Department of Agriculture conduct economic research to develop more information concerning the manner in which producers might utilize agricultural commodity futures markets and options markets in connection with their marketing of the agricultural commodities of their own production; and to determine the nature and effect of widespread utilization of such markets by producers would have on the prices they receive for their agricultural commodities, and to determine the feasibility of interfacing traditional Federal price support programs with private sector risk avoidance services.

STUDY BY THE DEPARTMENT OF AGRICULTURE

7 USC 1421 note.

SEC. 1742. The Secretary of Agriculture shall conduct a study utilizing the services of the various agencies of the United States including, but not limited to, the United States Department of Agriculture and the Commodity Futures Trading Commission, to determine the manner in which agricultural commodity futures markets and agricultural commodity options markets might be used by producers of agricultural commodities traded on such markets to provide such producers with price stability and income protection to the extent of the price stability and income protection producers might reasonably expect to receive from such participation; and of the Federal budgetary impact of such participation compared with the cost of the applicable established price support programs for agricultural commodities. The Secretary shall report the results of such study to the Committee on Agriculture, Nutrition and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives on or before December 31, 1988.

PILOT PROGRAM

7 USC 1421 note.
Supra.

SEC. 1743. In connection with the study to be undertaken by the Secretary as required by section 1742 of this subtitle, the Secretary shall conduct a pilot program with respect to the crops of wheat, feed grains, soybean, and cotton in at least 40 counties which actively produce reasonable quantities of such major agricultural commodities traded on the commodity futures markets and the commodity options markets. The Secretary shall, in cooperation with the futures and options industry and the chairman of the commodity futures trading commission, conduct an extensive educational program for producers in the counties selected for the pilot program. The program shall, among other things, provide that a reasonable number of producers, as determined by the Secretary may at their election and in accordance with pilot program requirements developed by the Secretary, participate in the trading of designated agricultural commodities on a futures market or options market in a manner designed to protect and maximize the return on agricultural commodities of their own production marketed by them in accordance with program requirements. Participating producers shall be assured by the Secretary under the terms of the program using funds of the Commodity Credit Corporation, that the net return received for the agricultural commodities that such producers allocate to the program in the manner specified by the Secretary is no less than the price support loan level for such agricultural commodity in the county where it is produced. In the formulation of the pilot program the Secretary shall utilize the

services of an advisory panel selected by the Secretary consisting of producers, processors, exporters, and futures and options traders on organized futures exchanges.

Subtitle F—Animal Welfare

FINDINGS

SEC. 1751. For the purposes of this subtitle, the Congress finds that—

7 USC 2131 note.

Research and development.

(1) the use of animals is instrumental in certain research and education for advancing knowledge of cures and treatment for diseases and injuries which afflict both humans and animals;

(2) methods of testing that do not use animals are being and continue to be developed which are faster, less expensive, and more accurate than traditional animal experiments for some purposes and further opportunities exist for the development of these methods of testing;

(3) measures which eliminate or minimize the unnecessary duplication of experiments on animals can result in more productive use of Federal funds; and

(4) measures which help meet the public concern for laboratory animal care and treatment are important in assuring that research will continue to progress.

STANDARDS AND CERTIFICATION PROCESS

SEC. 1752. (a) Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended by—

(1) redesignating subsections (b) through (d) as subsections (f) through (h) respectively; and

(2) striking out the first two sentences of subsection (a) and inserting in lieu thereof the following new sentences: “(1) The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors.

“(2) The standards described in paragraph (1) shall include minimum requirements—

“(A) for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, and separation by species where the Secretary finds necessary for humane handling, care, or treatment of animals; and

“(B) for exercise of dogs, as determined by an attending veterinarian in accordance with general standards promulgated by the Secretary, and for a physical environment adequate to promote the psychological well-being of primates.

“(3) In addition to the requirements under paragraph (2), the standards described in paragraph (1) shall, with respect to animals in research facilities, include requirements—

“(A) for animal care, treatment, and practices in experimental procedures to ensure that animal pain and distress are minimized, including adequate veterinary care with the appropriate use of anesthetic, analgesic, tranquilizing drugs, or euthanasia;

- “(B) that the principal investigator considers alternatives to any procedure likely to produce pain to or distress in an experimental animal;
- “(C) in any practice which could cause pain to animals—
- “(i) that a doctor of veterinary medicine is consulted in the planning of such procedures;
 - “(ii) for the use of tranquilizers, analgesics, and anesthetics;
 - “(iii) for pre-surgical and post-surgical care by laboratory workers, in accordance with established veterinary medical and nursing procedures;
 - “(iv) against the use of paralytics without anesthesia; and
 - “(v) that the withholding of tranquilizers, anesthesia, analgesia, or euthanasia when scientifically necessary shall continue for only the necessary period of time;
- Prohibition. “(D) that no animal is used in more than one major operative experiment from which it is allowed to recover except in case of—
- “(i) scientific necessity; or
 - “(ii) other special circumstances as determined by the Secretary; and
- “(E) that exceptions to such standards may be made only when specified by research protocol and that any such exception shall be detailed and explained in a report outlined under paragraph (7) and filed with the Institutional Animal Committee.”.
- 7 USC 2143. (b) Section 13(a) of such Act is further amended—
- (1) by designating the third and fourth sentences as paragraph (4);
 - (2) by designating the fifth sentence as paragraph (5); and
 - (3) by striking out the last sentence and inserting in lieu thereof the following:
- Prohibition. “(6)(A) Nothing in this Act—
- “(i) except as provided in paragraphs (7) of this subsection shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the design, outlines, or guidelines of actual research or experimentation by a research facility as determined by such research facility;
- Regulations. “(ii) except as provided subparagraphs (A) and (C) (ii) through (v) of paragraph (3) and paragraph (7) of this subsection, shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the performance of actual research or experimentation by a research facility as determined by such research facility; and
- Research and development. “(iii) shall authorize the Secretary, during inspection, to interrupt the conduct of actual research or experimentation.
- Prohibition. “(B) No rule, regulation, order, or part of this Act shall be construed to require a research facility to disclose publicly or to the Institutional Animal Committee during its inspection, trade secrets or commercial or financial information which is privileged or confidential.
- Research and development. “(7)(A) The Secretary shall require each research facility to show upon inspection, and to report at least annually, that the provisions of this Act are being followed and that professionally acceptable standards governing the care, treatment, and use of animals are being followed by the research facility during actual research or experimentation.

“(B) In complying with subparagraph (A), such research facilities shall provide—

“(i) information on procedures likely to produce pain or distress in any animal and assurances demonstrating that the principal investigator considered alternatives to those procedures;

“(ii) assurances satisfactory to the Secretary that such facility is adhering to the standards described in this section; and

“(iii) an explanation for any deviation from the standards promulgated under this section.

“(8) Paragraph (1) shall not prohibit any State (or a political subdivision of such State) from promulgating standards in addition to those standards promulgated by the Secretary under paragraph (1).”

Prohibition.

“(c) Section 13 of such Act is further amended by inserting after subsection (a) the following new subsections:

Ante, p. 1645.

“(b)(1) The Secretary shall require that each research facility establish at least one Committee. Each Committee shall be appointed by the chief executive officer of each such research facility and shall be composed of not fewer than three members. Such members shall possess sufficient ability to assess animal care, treatment, and practices in experimental research as determined by the needs of the research facility and shall represent society's concerns regarding the welfare of animal subjects used at such facility. Of the members of the Committee—

“(A) at least one member shall be a doctor of veterinary medicine;

“(B) at least one member—

“(i) shall not be affiliated in any way with such facility other than as a member of the Committee;

Prohibitions.

“(ii) shall not be a member of the immediate family of a person who is affiliated with such facility; and

“(iii) is intended to provide representation for general community interests in the proper care and treatment of animals; and

“(C) in those cases where the Committee consists of more than three members, not more than three members shall be from the same administrative unit of such facility.

“(2) A quorum shall be required for all formal actions of the Committee, including inspections under paragraph (3).

“(3) The Committee shall inspect at least semiannually all animal study areas and animal facilities of such research facility and review a part of the inspection—

“(A) practices involving pain to animals, and

“(B) the condition of animals,

to ensure compliance with the provisions of this Act to minimize pain and distress to animals. Exceptions to the requirement of inspection of such study areas may be made by the Secretary if animals are studied in their natural environment and the study area is prohibitive to easy access.

“(4)(A) The Committee shall file an inspection certification report after each inspection at the research facility. Such report shall—

Reports.

“(i) be signed by a majority of the Committee members involved in the inspection;

“(ii) include reports of any violation of the standards promulgated, or assurances required, by the Secretary, including any deficient conditions of animal care or treatment, any deviations

Research and development.

of research practices from originally approved proposals that adversely affect animal welfare, any notification to the facility regarding such conditions, and any corrections made thereafter;

"(iii) include any minority views of the Committee; and

"(iv) include any other information pertinent to the activities of the Committee.

Report.

"(B) Such report shall remain on file for at least three years at the research facility and shall be available for inspection by the Animal and Plant Health Inspection Service and any funding Federal agency.

"(C) In order to give the research facility an opportunity to correct any deficiencies or deviations discovered by reason of paragraph (3), the Committee shall notify the administrative representative of the research facility of any deficiencies or deviations from the provisions of this Act. If, after notification and an opportunity for correction, such deficiencies or deviations remain uncorrected, the Committee shall notify (in writing) the Animal and Plant Health Inspection Service and the funding Federal agency of such deficiencies or deviations.

Records.
Reports.

"(5) The inspection results shall be available to Department of Agriculture inspectors for review during inspections. Department of Agriculture inspectors shall forward any Committee inspection records which include reports of uncorrected deficiencies or deviations to the Animal and Plant Health Inspection Service and any funding Federal agency of the project with respect to which such uncorrected deficiencies and deviations occurred.

"(c) In the case of Federal research facilities, a Federal Committee shall be established and shall have the same composition and responsibilities provided in subsection (b), except that the Federal Committee shall report deficiencies or deviations to the head of the Federal agency conducting the research rather than to the Animal and Plant Health Inspection Service. The head of the Federal agency conducting the research shall be responsible for—

"(1) all corrective action to be taken at the facility; and

"(2) the granting of all exceptions to inspection protocol.

"(d) Each research facility shall provide for the training of scientists, animal technicians, and other personnel involved with animal care and treatment in such facility as required by the Secretary. Such training shall include instruction on—

"(1) the humane practice of animal maintenance and experimentation;

"(2) research or testing methods that minimize or eliminate the use of animals or limit animal pain or distress;

"(3) utilization of the information service at the National Agricultural Library, established under subsection (e); and

"(4) methods whereby deficiencies in animal care and treatment should be reported.

"(e) The Secretary shall establish an information service at the National Agricultural Library. Such service shall, in cooperation with the National Library of Medicine, provide information—

"(1) pertinent to employee training;

"(2) which could prevent unintended duplication of animal experimentation as determined by the needs of the research facility; and

"(3) on improved methods of animal experimentation, including methods which could—

"(A) reduce or replace animal use; and

"(B) minimize pain and distress to animals, such as anesthetic and analgesic procedures.

(f) In any case in which a Federal agency funding a research project determines that conditions of animal care, treatment, or practice in a particular project have not been in compliance with standards promulgated under this Act, despite notification by the Secretary or such Federal agency to the research facility and an opportunity for correction, such agency shall suspend or revoke Federal support for the project. Any research facility losing Federal support as a result of actions taken under the preceding sentence shall have the right of appeal as provided in sections 701 through 705 of title 5, United States Code."

Research and development.

INSPECTIONS

SEC. 1753. Section 16(a) of the Animal Welfare Act (7 U.S.C. 2156(a)) is amended by inserting after the first sentence the following: "The Secretary shall inspect each research facility at least once a year and, in the case of deficiencies or deviations from the standards promulgated under this Act, shall conduct such follow-up inspections as may be necessary until all deficiencies or deviations in such standards are corrected."

PENALTY FOR RELEASE OF TRADE SECRETS

SEC. 1754. The Animal Welfare Act (7 U.S.C. 2131-2156) is amended by adding at the end thereof the following section:

SEC. 27. (a) It shall be unlawful for any member of an Institutional Animal Committee to release any confidential information of a research facility including any information that concerns or relates to—

"(1) the trade secrets, processes, operations, style of work, or apparatus; or

"(2) the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures, of the research facility.

(b) It shall be unlawful for any member of such Committee—

"(1) to use or attempt to use to his advantages; or

"(2) to reveal to any other person,

any confidential information which is entitled to protection as confidential information under subsection (a).

(c) A violation of subsection (a) or (b) is punishable by—

"(1) removal from such Committee; and

"(2)(A) a fine of not more than \$1,000 and imprisonment of not more than one year; or

"(B) if such violation is willful, a fine of not more than \$10,000 and imprisonment of not more than three years.

(d) Any person, including any research facility, injured in its business or property by reason of a violation of this section may recover all actual and consequential damages sustained by such person and the cost of the suit including a reasonable attorney's fee.

(e) Nothing in this section shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this section. Subsection (d) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of subsections (a) and (b)."

7 USC 2157.

Prohibition.

INCREASED PENALTIES FOR VIOLATION OF THE ACT

SEC. 1755. (a) Subsection (b) of section 19 of the Animal Welfare Act (7 U.S.C. 2149(b)) is amended—

(1) in the first sentence by striking out “\$1,000 for each such violation” and inserting in lieu thereof “\$2,500 for each such violation”; and

(2) in the sixth sentence by striking out “\$500 for each offense” and inserting in lieu thereof “\$1,500 for each offense”.

(b) Subsection (d) of such section is amended by striking out “\$1,000” and inserting in lieu thereof “\$2,500”.

DEFINITIONS

SEC. 1756. (a) Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended by—

(1) striking out “and” after the semicolon in subsection (i);

(2) striking out the period at the end of subsection (j) and inserting in lieu thereof a semicolon; and

(3) adding after subsection (j) the following new subsections:

Animals.

“(k) The term ‘Federal agency’ means an Executive agency as such term is defined in section 105 of title 5, United States Code, and with respect to any research facility means the agency from which the research facility receives a Federal award for the conduct of research, experimentation, or testing, involving the use of animals;

Research and
development.
Grant.
Loan.
Contract.

“(l) The term ‘Federal award for the conduct of research, experimentation, or testing, involving the use of animals’ means any mechanism (including a grant, award, loan, contract, or cooperative agreement) under which Federal funds are provided to support the conduct of such research.

“(m) The term ‘quorum’ means a majority of the Committee members;

Ante, p. 1647.
Research and
development.

“(n) The term ‘Committee’ means the Institutional Animal Committee established under section 13(b); and

“(o) The term ‘Federal research facility’ means each department, agency, or instrumentality of the United States which uses live animals for research or experimentation.”.

7 USC 2131 note.

(b) For purposes of this Act, the term “animal” shall have the same meaning as defined in section 2(g) of the Animal Welfare Act (7 U.S.C. 2132(g)).

CONSULTATION WITH THE SECRETARY OF HEALTH AND HUMAN SERVICES

Regulations.

SEC. 1757. Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by adding after the first sentence the following: “The Secretary shall consult with the Secretary of Health and Human Services prior to issuance of regulations.”.

TECHNICAL AMENDMENT

SEC. 1758. Section 14 of the Animal Welfare Act (7 U.S.C. 2144) is amended by changing “section 13” to “sections 13 (a), (f), (g), and (h)” wherever it appears.

EFFECTIVE DATE

7 USC 2131 note.

SEC. 1759. This subtitle shall take effect 1 year after the date of the enactment of this Act.

Subtitle G—Miscellaneous

COMMODITY CREDIT CORPORATION STORAGE CONTRACTS

SEC. 1761. Section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)) is amended by inserting, after the colon at the end of the second proviso, the following: "*And provided further, That any contract entered into by the Corporation for the use of a storage facility shall provide at least that (1) the rental rate charged for an extended term in excess of one year shall be at an annual rate less than that which is charged for a one-year contract, (2) any obligation of the Corporation to pay for the use of any space in a facility shall be relieved to the extent that the Corporation does not use the space and payment is made by another person for the use of such space, and (3) if the Corporation determines that it no longer needs the space reserved in the facility, the Corporation may be relieved, for the remaining term of the contract, of its obligations to an extent and in a manner that will provide significant savings to the Corporation while permitting the owner of the facility reasonable time to lease such space to another person.*"

Ante, p. 1503.

WEATHER AND CLIMATE INFORMATION IN AGRICULTURE

SEC. 1762. (a) Congress finds that—

15 USC 313 note.

(1) agricultural and silvicultural operations are vulnerable to damage from atmospheric conditions that accurate and timely reporting of weather information can help prevent;

(2) the maintenance of current weather and climate analysis and information dissemination systems, and Federal, State, and private efforts to improve these systems, is essential if agriculture and silviculture are to mitigate damage from atmospheric conditions;

(3) agricultural and silvicultural weather services at the Federal level should be maintained with joint planning between the National Oceanic and Atmospheric Administration and the Department of Agriculture; and

(4) efforts should be made, involving user groups, weather and climate information providers, and Federal and State governments, to expand the use of weather and climate information in agriculture and silviculture.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest to maintain an active Federal involvement in providing agricultural and silvicultural weather and climate information and that efforts should be made, among users of this information and among private providers of this information, to improve use of this information.

EMERGENCY FEED PROGRAM

SEC. 1763. (a) Paragraph (2) of section 1105(b) of the Food and Agriculture Act of 1977 (7 U.S.C. 2267(b)) is amended by striking out "feed for such person's livestock" and inserting in lieu thereof "feed that has adequate nutritive value and is suitable for each of such person's respective particular types of livestock".

Livestock.

(b) Section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by inserting after the fifth sentence the following new sentence: "Notwithstanding the foregoing provisions of this section relating to the authority of the Commodity Credit Corporation to

Transportation.
Ante, pp. 1418,
1452.

make available to certain persons in certain areas during emergencies feed for livestock, the Commodity Credit Corporation (1) may make such feed available to such persons in areas in which feed grains are normally produced and normally available for feed purposes, but in which they are unavailable because of a catastrophe described in the fourth sentence of this section, (2) may make such feed available to such persons through feed dealers in the areas, (3) shall make such feed available at a price not less than the price prescribed in the fourth sentence of this section, and (4) shall bear any expenses incurred in connection with making such feed available to such persons under this sentence, including transportation and handling costs.”.

CONTROLLED SUBSTANCES PRODUCTION CONTROL

21 USC 881a.

SEC. 1764. (a) As used in this section:

21 USC 802.

(1) The term “controlled substance” has the same meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 801(6)).

(2) The term “Secretary” means the Secretary of Agriculture.

(3) The term “State” means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(b) Notwithstanding any other provision of law, following the date of enactment of this Act, any person who is convicted under Federal or State law of planting, cultivation, growing, producing, harvesting, or storing a controlled substance in any crop year shall be ineligible for—

(1) as to any commodity produced during that crop year, and the four succeeding crop years, by such person—

(A) any price support or payment made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

Loan.

(B) a farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

Ante, pp. 1503,
1651.

(C) crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

Disaster
assistance.

(D) a disaster payment made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(E) a loan made, insured or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration; or

(2) a payment made under section 4 or 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b or 714c) for the storage of an agricultural commodity that is—

(A) produced during that crop year, or any of the four succeeding crop years, by such person; and

(B) acquired by the Commodity Credit Corporation.

Regulations.

(c) Not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as the Secretary determines are necessary to carry out this section, including regulations that—

- (1) define the term "person";
- (2) govern the determination of persons who shall be ineligible for program benefits under this section; and
- (3) protect the interests of tenants and sharecroppers.

STUDY OF UNLEADED FUEL IN AGRICULTURAL MACHINERY

SEC. 1765. (a)(1) The Administrator of the Environmental Protection Agency and the Secretary of Agriculture shall jointly conduct a study of the use of fuel containing lead additives, and alternative lubricating additives, in gasoline engines that are—

42 USC 7545
note.

- (A) used in agricultural machinery; and
 - (B) designed to combust fuel containing such additives.
- (2) The study shall analyze the potential for mechanical problems including but not limited to valve recession) that may be associated with the use of other fuels in such engines.

(b)(1) For purposes of the study required under this section, the Administrator of the Environmental Protection Agency and the Secretary of Agriculture are authorized to enter into such contracts and other arrangements as may be appropriate to obtain the necessary technical information.

Contracts.

(2) The Secretary of Agriculture shall specify the types and items of agricultural machinery to be included in the study required under this section. Such types and items shall be representative of the types and items of agricultural machinery used on farms in the United States.

(3) All testing of engines carried out for purposes of such study shall reflect actual agricultural conditions to the extent practicable, including revolutions per minute and payloads.

(c) Not later than January 1, 1987—

(1) the Administrator of the Environmental Protection Agency and the Secretary of Agriculture shall publish the results of the study required under this section; and

(2) the Administrator shall publish in the Federal Register notice of the publication of such study and a summary thereof.

Federal
Register,
publication.

(d)(1) After notice and opportunity for hearing, but not later than 6 months after publication of the study, the Administrator shall—

(A) make findings and recommendations on the need for lead additives in gasoline to be used on a farm for farming purposes, including a determination of whether a modification of the regulations limiting lead content of gasoline would be appropriate in the case of gasoline used on a farm for farming purposes; and

(B) submit to the President and Congress a report containing—

Report.

(i) the study;

(ii) a summary of the comments received during the public hearing (including the comments of the Secretary); and

(iii) the findings and recommendations of the Administrator made in accordance with clause (1).

(2) The report shall be transmitted to—

Report.

(A) the Committee on Energy and Commerce of the House of Representatives;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Agriculture of the House of Representatives; and

(D) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e)(1) Between January 1, 1986, and December 31, 1987, the Administrator shall monitor the actual lead content of leaded gasoline sold in the United States.

(2) The Administrator shall determine the average lead content of such gasoline for each 3-month period between January 1, 1986, and December 31, 1987.

(3) If the actual lead content falls below an average of 0.2 of gram of lead per gallon in any such 3-month period, the Administrator shall—

(A) report to Congress; and

(B) publish a notice thereof in the Federal Register.

(f) Until January 1, 1988, no regulation of the Administrator issued under section 211 of the Clean Air Act (42 U.S.C. 754) regarding the control or prohibition of lead additives in gasoline may require an average lead content per gallon that is less than 0.2 of gram per gallon.

(g) To carry out this section, there is authorized to be appropriated \$1,000,000, to be available without fiscal year limitation.

Federal
Register,
publication.
Prohibition.
Regulations.

POTATO ADVISORY COMMISSION

SEC. 1767. It is the sense of Congress that—

(1) the Secretary of Agriculture should consider the recommendations of the potato advisory commission established by the Secretary on an ad hoc basis;

(2) such commission should address industry concerns including trade, quality inspections, and pesticide use, to the extent practicable;

(3) such commission should meet periodically; and

(4) the recommendations and actions of such committee should be reported to the Chairmen of the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, and to the public.

Business and
industry.
Commerce and
trade.

VIRUSES, SERUMS, TOXINS, AND ANALAGOUS PRODUCTS

SEC. 1768. (a) The first sentence of the eighth paragraph of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fourteen", approved March 4, 1913 (21 U.S.C. 151), amended by striking out "from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia" and inserting in lieu thereof "in or from the United States, the District of Columbia, any territory of the United States or any place under the jurisdiction of the United States".

(b) The fourth sentence of such paragraph (21 U.S.C. 154) amended by inserting "or otherwise to carry out this paragraph after "animals," the first place it appears.

(c) Such paragraph is amended by inserting after the fourth sentence the following new sentences: "In order to meet an emergency condition, limited market or local situation, or other special

21 USC 154a.

circumstance (including production solely for intrastate use under a State-operated program), the Secretary may issue a special license under an expedited procedure on such conditions as are necessary to assure purity, safety, and a reasonable expectation of efficacy. The Secretary shall exempt by regulation from the requirement of preparation pursuant to an unsuspended and unrevoked license any virus, serum, toxin, or analogous product prepared by any person, firm, or corporation—

Regulation.
Corporations.

“(1) solely for administration to animals of such person, firm, or corporation;

Animals.

“(2) solely for administration to animals under a veterinarian-client-patient relationship in the course of the State licensed professional practice of veterinary medicine by such person, firm, or corporation; or

“(3) solely for distribution within the State of production pursuant to a license granted by such State under a program determined by the Secretary to meet criteria under which the State—

“(A) may license virus, serum, toxin, and analogous products and establishments that produce such products;

“(B) may review the purity, safety, potency, and efficacy of such products prior to licensure;

“(C) may review product test results to assure compliance with applicable standards for purity, safety, and potency, prior to release to the market;

“(D) may deal effectively with violations of State law regulating virus, serum, toxin, and analogous products; and

“(E) exercises the authority referred to in subclauses (A) through (D) consistent with the intent of this paragraph of prohibiting the preparation, sale, barter, exchange, or shipment of worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous products.”

(d) The seventh sentence of such paragraph (21 U.S.C. 157) (as it existed before the amendments made by this section) is amended by striking out “licensed under this Act”.

(e) Such paragraph is amended by inserting after the eighth sentence (21 U.S.C. 158) (as it existed before the amendments made by this section) the following new sentences: “The procedures of sections 402, 403, and 404 of the Federal Meat Inspection Act (21 U.S.C. 672, 673, and 674) (relating to detentions, seizures and condemnations, and injunctions, respectively) shall apply to the enforcement of this paragraph with respect to any product prepared, sold, bartered, exchanged, or shipped in violation of this paragraph or a regulation promulgated under this paragraph. The provisions (including penalties) of section 405 of such Act (21 U.S.C. 675) shall apply to the performance of official duties under this paragraph. Congress finds that (i) the products and activities that are regulated under this paragraph are either in interstate or foreign commerce or substantially affect such commerce or the free flow thereof, and (ii) regulation of the products and activities as provided in this paragraph is necessary to prevent and eliminate burdens on such commerce and to effectively regulate such commerce.”

21 USC 159.

(f)(1) Except as provided in paragraph (2), the amendments made by this section shall become effective on the date of enactment of this Act.

Effective date.
21 USC 151 note.

(2)(A) Subject to subparagraphs (B) through (D), in the case of a person, firm, or corporation preparing, selling, bartering, exchanging,

Corporation.
Commerce and
trade.

ing, or shipping a virus, serum, toxin, or analogous product during the 12-month period ending on the date of enactment of this Act solely for intrastate commerce or for exportation, such product shall not after such date of enactment, as a result of its not having been licensed or produced in a licensed establishment, be considered in violation of the eighth paragraph of the matter under the heading "BUREAU OF ANIMAL INDUSTRY" of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fourteen", approved March 14, 1913 (as amended by this section), until the first day of the 49th month following the date of enactment of this Act.

Ante, p. 1654.

Corporation.

(B) The exemption granted by subparagraph (A) may be extended by the Secretary of Agriculture for a period up to 12 months in an individual case on a showing by a person, firm, or corporation of good cause and a good faith effort to comply with such eighth paragraph with due diligence.

Corporation.

(C) The exemption granted by subparagraph (A) must be claimed by the person, firm, or corporation preparing such product by the first day of the 13th month following the date of enactment of this Act, in the form and manner prescribed by the Secretary, unless the Secretary grants an extension of the time to claim such exemption in an individual case for good cause shown.

Corporation.

(D) On the issuance by the Secretary of a license to such person, firm, or corporation for such product prior to the first day of the 49th month following the date of enactment of this Act, or the end of an extension of the exemption granted by the Secretary, the exemption granted by subparagraph (A) shall terminate with respect to such product.

AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 1768. Section 31 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136y) is amended to read as follows:

"SEC. 31. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act for the period beginning October 1, 1985, and ending September 30, 1986, \$68,604,200 of which not more than \$11,993,100 shall be available for research under this Act."

USER FEES FOR REPORTS, PUBLICATIONS, AND SOFTWARE

SEC. 1769. Section 1121 of the Agriculture and Food Act of 1981 (7 U.S.C. 2242a) is amended to read as follows:

"USER FEES FOR REPORTS, PUBLICATIONS, AND SOFTWARE

"SEC. 1121. (a) The Secretary of Agriculture may—

Reports.

"(1) furnish, on request, copies of software programs, pamphlets, reports, or other publications, regardless of their form, including electronic publications, prepared in the Department of Agriculture in carrying out any of its missions or programs; and

"(2) charge such fees therefor as the Secretary determines are reasonable.

"(b) The imposition of such charges shall be consistent with section 9701 of title 31, United States Code.

c) All moneys received in payment for work or services performed, or for software programs, pamphlets, reports, or other publications provided, under this section—

Reports.

“(1) shall be available until expended to pay directly the costs of such work, services, software programs, pamphlets, reports, or publications; and

“(2) may be credited to appropriations or funds that incur such costs.”.

CONFIDENTIALITY OF INFORMATION

SEC. 1770. (a) In the case of information furnished under a provision of law referred to in subsection (d), neither the Secretary of Agriculture, any other officer or employee of the Department of Agriculture or agency thereof, nor any other person may—

7 USC 2276.

(1) use such information for a purpose other than the development or reporting of aggregate data in a manner such that the identity of the person who supplied such information is not discernible and is not material to the intended uses of such information; or

(2) disclose such information to the public, unless such information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

(1) In carrying out a provision of law referred to in subsection (a), no department, agency, officer, or employee of the Federal Government, other than the Secretary of Agriculture, shall require any person to furnish a copy of statistical information provided to the Department of Agriculture.

A copy of such information—

(A) shall be immune from mandatory disclosure of any type, including legal process; and

(B) shall not, without the consent of such person, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

Prohibition.

Any person who shall publish, cause to be published, or otherwise publicly release information collected pursuant to a provision of law referred to in subsection (d), in any manner or for any purpose prohibited in section (a), shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

(b) For purposes of this section, a provision of law referred to in subsection (a) means—

(1) the first section of the Act entitled “An Act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton”, approved March 3, 1927 (7 U.S.C. 471) (commonly referred to as the “Cotton Statistics and Estimates Act”);

(2) the first section of the Act entitled “An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture”, approved January 14, 1929 (7 U.S.C. 501);

(3) the first section of the Act entitled “An Act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture”, approved June 24, 1936 (7 U.S.C. 951);

(4) section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g));

- (5) section 526(a) of the Revised Statutes (7 U.S.C. 2204(a);
- (6) the Act entitled "An Act providing for the publication of statistics relating to spirits of turpentine and resin", approved August 15, 1935 (7 U.S.C. 2248);
- (7) section 42 of title 13, United States Code;
- (8) section 4 of the Act entitled "An Act to establish the Department of Commerce and Labor", approved February 11, 1903 (15 U.S.C. 1516); or
- (9) section 2 of the joint resolution entitled "Joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent", approved June 11, 1976 (15 U.S.C. 1516a).

LAND CONVEYANCE TO IRWIN COUNTY, GEORGIA

SEC. 1771. The Secretary of Agriculture is authorized and directed to execute and deliver to the Board of Education of Irwin County, Georgia, its successors and assigns, a quitclaim deed conveying and releasing unto the said Board of Education of Irwin County, Georgia, its successors and assigns, all right, title, and interest of the United States of America in and to a tract of land, situate in said Irwin County, Georgia, containing 0.303 acres together with improvements in Land Lot Number 39 in the 3rd Land District of Irwin County, Georgia, being more particularly described in a deed dated July 1, 1946, from the United States conveying said land to Irwin County Board of Education, recorded in the land records of the office of the Clerk of Court for Irwin County, Georgia, in deed book 20, page 11.

NATIONAL TREE SEED LABORATORY

16 USC 580q.

SEC. 1772. Notwithstanding any other provision of law, fees received by the National Tree Seed Laboratory, administered by the Forest Service, United States Department of Agriculture, for the provision of a tree seed testing service, shall be retained and deposited as a reimbursement to current appropriations used to cover the costs of providing such service.

CONTROL OF GRASSHOPPERS AND MORMON CRICKETS ON FEDERAL LANDS

7 USC 148f.

SEC. 1773. (a) The Secretary of Agriculture shall carry out a program to control grasshoppers and Mormon Crickets on all Federal lands.

(b)(1) Subject to paragraph (2), the Secretary of Agriculture shall expend or transfer, and upon request, the Secretary of the Interior shall transfer to the Secretary of Agriculture, from any no-year appropriations, funds for the prevention, suppression, and control of actual or potential grasshopper and Mormon Cricket outbreaks on lands under the jurisdiction of the Federal Government.

(2)(A) Appropriated funds made available to the Secretary of the Interior shall be available for the payment of obligations incurred on Federal lands subject to the jurisdiction of the Secretary of the Interior.

(B) Funds transferred pursuant to this paragraph shall be requested as promptly as possible by the Secretary of Agriculture.

(C) Funds transferred pursuant to this section shall be replenished by supplemental or regular appropriations which shall be requested as promptly as possible.

(1) Except as provided in paragraph (2), from any funds made available to the Department of the Interior until expended, moneys shall be made available for the transfer by the Secretary of the Interior to the Secretary of Agriculture for the prevention, suppression, and control of grasshoppers and Mormon Cricket outbreaks on Federal lands under the jurisdiction of the Secretary of the Interior.

(2) No funds shall be made available under this authority, until emergency funds specifically available to the Animal and Plant Health Inspection Service for grasshopper emergencies have been exhausted.

Prohibition.

(3) On request of the administering agency or the Department of Agriculture of an affected State, the Secretary of Agriculture shall immediately treat Federal, State, or private lands that are infested with grasshoppers or Mormon Crickets at levels of economic infestation, unless the Secretary determines that delaying treatment will minimize biological control and not cause greater economic damage to adjacent landowners.

The Secretary of Agriculture shall—

(1) pay out of appropriated funds made available to the Secretary or transferred to the Secretary by the Secretary of the Interior—100 percent of the cost of grasshopper or Mormon Cricket control on Federal lands;

(2) pay out of appropriated funds made available to the Secretary—

(A) 50 percent of the cost of such control on State lands; and

(B) 33.3 percent of the cost of such control on private rangelands; and

(3) participate in prevention, control, or suppression programs for grasshoppers and Mormon Crickets in conjunction with other Federal, State and private prevention, control or suppression efforts.

From appropriated funds made available or transferred by the Secretary of the Interior to the Secretary of Agriculture for such purposes, the Secretary of Agriculture shall provide adequate funding for a program to train personnel to effectively accomplish the objective of this section.

STUDY OF A STRATEGIC ETHANOL RESERVE

Sec. 1778. (a) The Secretary of Agriculture shall conduct a study of the cost effectiveness, the economic benefits, and the feasibility of establishing, maintaining, and utilizing a Strategic Ethanol Reserve in addition to the existing Strategic Petroleum Reserve.

42 USC 6231
note.

The study shall be completed within one year after the enactment of this section and shall include, among other considerations—

(1) the benefits and losses related to the U.S. economy, farm income, employment, government commodity programs, and the trade deficit of utilizing a Strategic Ethanol Reserve, as compared to the Strategic Petroleum Reserve; and

Employment
and
unemployment.
Commerce and
trade.

(2) the savings from storing ethanol as opposed to storing the amount of CCC-held grain necessary to produce the ethanol. If the study shows that the Strategic Ethanol Reserve is cost effective, beneficial to the U.S. economy, and feasible in comparison to the Strategic Petroleum Reserve, the Secretary of Agriculture shall establish, maintain, and utilize a Strategic Ethanol Reserve.

TITLE XVIII—GENERAL EFFECTIVE DATE

EFFECTIVE DATE

7 USC 1281 note.

SEC. 1801. Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on the date of the enactment of this Act.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 2100 (S. 1714):

HOUSE REPORTS: No. 99-271, Pt. I (Comm. on Agriculture), Pt. II (Comm. on Merchant Marine and Fisheries), and No. 99-447 (Comm. of Conference).

SENATE REPORT No. 99-145 accompanying S. 1714 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Sept. 20, 26, Oct. 1-3, 7, 8, considered and passed House.

Oct 25, 28-31, Nov. 1, 18-22, S. 1714 considered in Senate.

Nov. 23, H.R. 2100 considered and passed Senate, amended, in lieu of S. 1714.

Dec. 18, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 21, No. 52 (1985):

Dec. 23, Presidential statement.

Public Law 99-199
99th Congress

An Act

To direct the Secretary of Agriculture to release the condition requiring that a parcel of land conveyed to New York State be used for public purposes and to convey United States mineral interests in the parcel to New York State.

Dec. 23, 1985
[H.R. 2976]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Upon compliance by the State of New York with the requirements contained in section 3 of this Act, the Secretary of Agriculture shall release on behalf of the United States the condition described in subsection (b) of this section with respect to the parcel of land described in section 4 of this Act.

(b) The condition to be released pursuant to subsection (a) of this section is the condition (contained in a quitclaim deed dated July 28, 1961, which conveys from the United States to the State of New York certain land in Allegany County and which was recorded on May 23, 1962, in the office of the Allegany County Clerk in the Book of Deeds 546 at page 632) providing that the land conveyed be used for public purposes and that the land revert to the United States if it is not used for public purposes.

(c) Section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)) is inapplicable to the release provided for by subsection (a) of this section.

SEC. 2. Upon application by the State of New York and compliance by the State with the requirements contained in section 3, the Secretary of the Interior shall convey to the State of New York—

(1) without compensation, all the undivided mineral interests of the United States in the parcel of land described in section 4 for which the Secretary of the Interior determines that there is no active mineral development or leasing and that there is no fair market value; and

(2) upon payment to the United States of an amount equal to the fair market value (as determined by the Secretary of the Interior) of such mineral interests, all the undivided mineral interests of the United States in the parcel of land described in section 4 which are not subject to paragraph (1) of this section.

SEC. 3. Before the condition described in subsection (b) of section 1 may be released pursuant to subsection (a) of that section or any mineral interest may be conveyed pursuant to section 2, the State of New York must—

(1) sign an agreement with the Secretary of Agriculture stating that the State of New York will convey the parcel of land described in section 4 to the Bellville Wesleyan Church of rural Caneadea, New York, for a fair and equitable consideration, and deposit the proceeds from such conveyance in an account open to inspection by the Secretary of Agriculture, and used, if withdrawn from such account, exclusively for public purposes; and

Contracts.

(2) pay into the Treasury of the United States as miscellaneous receipts a sum of money which the Secretary of Agriculture and the Secretary of the Interior jointly deem is sufficient to provide for the administrative costs—

(A) of determining the existence of mineral interests in the parcel of land described in section 4;

(B) of establishing the fair market value of the mineral interests located in that parcel of land;

(C) of releasing the condition pursuant to section 1; and

(D) of conveying that parcel of land pursuant to section 2.

SEC. 4. The parcel of land with respect to which the condition is to be released pursuant to section 1 and which contains the undivided mineral interests to be conveyed pursuant to section 2 is a tract of land of approximately 5.8 acres located in great lot 55 as depicted by tax map 102 of the town of New Hudson, New York, and is part of the land conveyed by the deed referred to in subsection (b) of section 1. The boundary of the parcel begins at a point 883.08 feet south of the northeast corner of great lot 55 at the center line of Bogan Road; thence south a distance of 288.42 feet to a point; thence west along the boundary of a parcel of land owned by the Bellville Wesleyan Church a distance of 165 feet to a point; thence south along the boundary of such parcel a distance of 99 feet to a point; thence west a distance of 495 feet to a point; thence north a distance of 387.42 feet to a point; thence east a distance of 660 feet to the place of beginning.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 2976:

HOUSE REPORT No. 99-424 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 9, considered and passed House.

Dec. 11, considered and passed Senate.

Public Law 99-200
99th Congress

An Act

To clear title to certain lands along the California-Nevada boundary.

Dec. 23, 1985

[H.R. 3085]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) thousands of acres of public lands transferred by the United States to the State of California or to the State of Nevada on or before June 1, 1982, are now located within the other State according to the boundary between them established by the United States Supreme Court in the case of California against Nevada (447 U.S. 125 (1980));

(2) each State accepted such transfers as valid, and commencing over 125 years ago, conveyed substantially all of the land into private ownership;

(3) the original title of each State and political subdivisions thereof and subsequent private parties has been treated as good and valid for all governmental and private purposes;

(4) it is imperative that certainty of title to, and ownership of, these lands be established as soon as practicable in order to avoid any undue hardship on the States of California and Nevada and affected private parties; and

(5) litigation is not an appropriate means of resolving the questions of title and ownership of the affected lands in that it would result in unprecedented and unnecessary burdens and expenses on the courts of the United States and the States of California and Nevada, as well as on private property owners.

SEC. 2. TRANSFERS TO CALIFORNIA.

Grants and all other transfers of public land to the State of California by the United States by a statute, clear list, selection, patent, or any other means on or before June 1, 1982—

Grants.

(1) which are located in the State of Nevada according to the boundary between the States of California and Nevada, as defined in the case of California against Nevada (447 U.S. 125 (1980)); and

(2) which have been patented or otherwise conveyed to a third party by the State of California, are not invalid because such land or portions of such land are located in the State of Nevada.

SEC. 3. TRANSFERS TO NEVADA.

Grants and all other transfers of public land to the State of Nevada by the United States by a statute, clear list, selection, patent, or any other means on or before June 1, 1982—

Grants.

(1) which are located in the State of California according to the boundary between the States of California and Nevada, as

defined in the case of California against Nevada (447 U.S. 125 (1980)); and

(2) which have been patented or otherwise conveyed to a third party by the State of Nevada, are not invalid because such land or portions of such land are located in the State of California.

SEC. 4. CERTAIN LANDS NOT AFFECTED.

Prohibition.

This Act shall not apply to any public land referred to in section 2 or 3 which has not been patented or otherwise conveyed to a third party by the State of California or the State of Nevada, as the case may be.

SEC. 5. LANDS AFFECTED.

Patents and
trademarks.

Federal
Register,
publication.

Public
availability.

As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall request the States of California and Nevada to submit to the Secretary maps and a list of patents or other conveyances for tracts of land the two States agree are affected by sections 2 and 3 of this Act. Upon concurring that the patents or other conveyances so listed are those intended to be covered by this Act, the Secretary of the Interior shall publish the list of patents or other conveyances in the Federal Register. The Secretary is authorized to make clerical and typographical corrections of errors in the list of patents or other conveyances and maps. Such maps, using the Department of the Interior Bureau of Land Management Master Title Plats showing the affected lands, shall be on file for illustrative purposes and along with the list of patents or other conveyances shall be available for public inspection with the State Directors of the Bureau of Land Management, Department of the Interior, in California and Nevada, and with the State Lands Administrator of Nevada and State Lands Commissioner of California.

SEC. 6. STATE RIGHTS.

Nothing in this Act shall be construed as conferring on either the State of California or the State of Nevada any rights with regard to entitlements to Federal lands, or as enlarging, diminishing, or otherwise affecting any such rights which may exist under other provisions of law.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 3085 (S. 1503):

HOUSE REPORT No. 98-385 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 9, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 99-201
101st Congress

An Act

Extend until March 15, 1986, the application of certain tobacco excise taxes and certain medicare reimbursement provisions.

Dec. 23, 1985

[H.R. 4006]

As enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF INCREASE IN TAX ON CIGARETTES.

Section (c) of section 283 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to increase in tax on cigarettes) is amended by striking out "December 20, 1985" and inserting in lieu thereof "March 15, 1986".

26 USC 5701

note;

ante, p. 1184.

SECTION 2. EXTENSION OF MEDICARE HOSPITAL AND PHYSICIAN PAYMENT PROVISIONS.

Section 5(c) of the Emergency Extension Act of 1985 (Public Law 99-201) is amended by striking out "December 19, 1985" and inserting in lieu thereof "March 14, 1986".

42 USC 1395www

note;

ante, p. 1184.

SECTION 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 19, 1985. As an exercise of authority under the commerce, taxation, and other powers under the Constitution, the amendment made by section 1 shall be treated for purposes of all Federal and State laws enacted on December 19, 1985.

26 USC 5701

note.

Approved December 23, 1985.

The printed text of Public Law 99-201 is a reprint of the hand enrollment, as approved by the President on December 23, 1985.

LEGISLATIVE HISTORY—H.R. 4006 (H.R. 3452) (H.R. 3722) (H.R. 3992):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 19, considered and passed House; considered and passed Senate, amended.
Dec. 20, House concurred in Senate amendments with amendments; Senate concurred in House amendments.

Public Law 99-202
99th Congress

Joint Resolution

Dec. 23, 1985

[H.J. Res. 436]

To designate 1986 as "Save for the U.S.A. Year", and for other purposes.

Whereas \$200,000,000,000 of the United States Federal deficit is owed to foreign interests;

Whereas in 1985 the debt owed to foreign interests has caused the United States to become a net debtor nation for the first time since World War I;

Whereas the debt owed to foreign interests will reach \$1,000,000,000,000 by 1990, with accompanying annual interest payments to foreign creditors of \$100,000,000,000;

Whereas the people of the United States are not saving enough to meet the investment needs of the United States, including the financing of the Federal deficit;

Whereas the United States is becoming increasingly dependent on foreign capital;

Whereas the sale of savings bonds issued by the United States in 1985 will result in savings of \$2,000,000,000 to the taxpayers of the United States as a result of lower interest costs to the Federal Government;

Whereas an increase in savings by the people of the United States will help reduce the Federal deficit and alleviate the substantial dependence by the United States on foreign capital: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) 1986 is designated as "Save for the U.S.A. Year";

(2) the President, when next addressing the Congress on the State of the Union, is requested to initiate a nationwide campaign, to be known as the "Buy Back America" campaign, for the purpose of encouraging the people of the United States to buy savings bonds and savings certificates of the United States in order to reduce borrowings from foreign sources;

(3) the Secretary of the Treasury is requested to issue, under section §105 of title 31, United States Code, savings bonds and savings certificates with such maturity dates, discount rates, and interest rates as will enhance the marketability of such bonds and certificates; and

(4) the Congress should actively support all United States savings bond programs by—

(A) endorsing such programs and conducting a thorough campaign among congressional staff and other employees of the House of Representatives to inform such staff and employees of the benefits of such programs; and

(B) informing all constituents of the benefits of such programs and urging all constituents to support such programs through the regular purchasing of United States savings bonds.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.J. Res. 436:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 12, considered and passed House.

Dec. 16, considered and passed Senate.

Public Law 99-203
99th Congress

Joint Resolution

Dec. 23, 1985

[H.J. Res. 450]

To authorize and request the President to issue a proclamation designating April 20 through April 26, 1986 as "National Organ and Tissue Donor Awareness Week".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 20 through April 26, 1986 as "National Organ and Tissue Donor Awareness Week".

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.J. Res. 450:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Nov. 14, considered and passed House.

Dec. 13, considered and passed Senate.

Public Law 99-204
99th Congress

An Act

To amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation.

Dec. 23, 1985

[S. 947]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Overseas Private
Investment
Corporation
Amendments
Act of 1985.
22 USC 2151
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Overseas Private Investment Corporation Amendments Act of 1985”.

SEC. 2. REFERENCE TO THE ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Assistance Act of 1961.

22 USC 2151
note.

SEC. 3. INCOME LEVELS IN LESS DEVELOPED COUNTRIES.

Section 231 (22 U.S.C. 2191) is amended in paragraph (2) of the second undesignated paragraph—

(1) by striking out “\$680 or less in 1979 United States dollars” and inserting in lieu thereof “\$896 or less in 1983 United States dollars”; and

(2) by striking out “\$2,950 or more in 1979 United States dollars” and inserting in lieu thereof “\$3,887 or more in 1983 United States dollars”.

SEC. 4. PROTECTION OF HEALTH, SAFETY, AND THE ENVIRONMENT.

(a) POLICY DIRECTIVES.—Section 231 (22 U.S.C. 2191) is amended—

(1) in the second undesignated paragraph—

(A) in paragraph (1) by striking out “and” after the semicolon;

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; and”; and

(C) by inserting after paragraph (2) the following:

“(3) ensure that the project is consistent with the provisions of sections 118 and 119 of this Act relating to the environment and natural resources of, and biological diversity in, developing countries, and consistent with the intent of regulations issued pursuant to sections 118 and 119 of this Act.”;

(2) in subsection (1) by striking out “and” after the semicolon;

(3) in subsection (m) by striking out the period at the end and inserting in lieu thereof “; and”; and

(4) by adding at the end the following:

“(n) to refuse to insure, reinsure, guarantee, or finance any investment in connection with a project which the Corporation determines will pose an unreasonable or major environmental, health, or safety hazard, or will result in the significant degradation of national parks or similar protected areas.”.

Regulations.
22 USC 2151p,
2151q.

(b) NOTIFICATION OF COUNTRIES OF ENVIRONMENTAL RESTRICTIONS ON CERTAIN ACTIVITIES.—Section 237 (22 U.S.C. 2197) is amended by adding at the end thereof the following:

“(m)(1) Before finally providing insurance, reinsurance, guarantees, or financing under this title for any environmentally sensitive investment in connection with a project in a country, the Corporation shall notify appropriate government officials of that country of—

“(A) all guidelines and other standards adopted by the International Bank for Reconstruction and Development and any other international organization relating to the public health or safety or the environment which are applicable to the project; and

“(B) to the maximum extent practicable, any restriction under any law of the United States relating to public health or safety or the environment that would apply to the project if the project were undertaken in the United States.

The notification under the preceding sentence shall include a summary of the guidelines, standards, and restrictions referred to in subparagraphs (A) and (B), and may include any environmental impact statement, assessment, review, or study prepared with respect to the investment pursuant to section 239(g).

“(2) Before finally providing insurance, reinsurance, guarantees, or financing for any investment subject to paragraph (1), the Corporation shall take into account any comments it receives on the project involved.

“(3) On or before September 30, 1986, the Corporation shall notify appropriate government officials of a country of the guidelines, standards, and legal restrictions described in paragraph (1) that apply to any project in that country—

“(A) which the Corporation identifies as potentially posing major hazards to public health and safety or the environment; and

“(B) for which the Corporation provided insurance, reinsurance, guarantees, or financing under this title before the date of enactment of this subsection and which is in the Corporation’s portfolio on that date.”

(c) ENVIRONMENTAL IMPACT ASSESSMENTS.—Section 239(g) (22 U.S.C. 2199(g)) is amended to read as follows:

“(g) The requirements of section 118(c) of this Act relating to environmental impact statements and environmental assessments shall apply to any investment which the Corporation insures, reinsures, guarantees, or finances under this title in connection with a project in a country.”

SEC. 5. WORKERS RIGHTS; PUBLIC HEARINGS.

(a) ESTABLISHMENT OF REQUIREMENTS.—Title IV of chapter 2 of part I is amended by inserting after section 231 (22 U.S.C. 2191) the following new section:

“SEC. 231A. ADDITIONAL REQUIREMENTS.

“(a) WORKER RIGHTS.—

“(1) LIMITATION ON OPIC ACTIVITIES.—The Corporation may insure, reinsure, guarantee, or finance a project only if the country in which the project is to be undertaken is taking steps to adopt and implement laws that extend internationally recognized worker rights, as defined in section 502(a)(4) of the Trade

International
organizations.

Infra.

22 USC 2151p.

22 USC 2191a.

Act of 1974 (19 U.S.C. 2462(a)(4)), to workers in that country (including any designated zone in that country). 98 Stat. 3019.

“(2) **USE OF ANNUAL REPORTS ON WORKERS RIGHTS.**—The Corporation shall, in making its determinations under paragraph (1), use the reports submitted to the Congress pursuant to section 505(c) of the Trade Act of 1974 (19 U.S.C. 2465(c)). The restriction set forth in paragraph (1) shall not apply until the first such report is submitted to the Congress. 98 Stat. 3023.

“(3) **WAIVER.**—Paragraph (1) shall not prohibit the Corporation from providing any insurance, reinsurance, guaranty, or financing with respect to a country if the President determines that such activities by the Corporation would be in the national economic interests of the United States. Any such determination shall be reported in writing to the Congress, together with the reasons for the determination.

“(b) **PUBLIC HEARINGS.**—The Board shall hold at least one public hearing each year in order to afford an opportunity for any person to present views as to whether the Corporation is carrying out its activities in accordance with section 231 and this section or whether any investment in a particular country should have been or should be extended insurance, reinsurance, guarantees, or financing under this title.” *Ante*, p. 1669.

(b) **EFFECTIVE DATE.**—Subsection (a) of section 231A, as added by subsection (a) of this section, shall not apply to projects insured, reinsured, guaranteed, or financed before the date of the enactment of this Act. 22 USC 2191a note.

SEC. 6. INSURANCE FOR LOSS DUE TO BUSINESS INTERRUPTION.

(a) **ISSUING AUTHORITY.**—Section 234(a) (22 U.S.C. 2194(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking out “and” after the semicolon;

(B) in subparagraph (C) by striking out the period and inserting in lieu thereof “; and”; and

(C) by adding at the end the following:

“(D) loss due to business interruption caused by any of the risks set forth in subparagraphs (A), (B), and (C).”; and

(2) in paragraph (4)—

(A) by striking out “civil strife insurance for the first time” and inserting in lieu thereof “insurance for the first time for loss due to business interruption”;

(B) by striking out “definition of civil strife” and inserting in lieu thereof “definition of ‘civil strife’ or ‘business interruption’”;

(C) by inserting immediately before the period at the end of the paragraph the following: “and, in the case of insurance for loss due to business interruption, an explanation of the underwriting basis upon which the insurance is to be offered”; and

(D) by adding at the end of the paragraph the following: “Any such report with respect to insurance for loss due to business interruption shall be considered in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.”.

(b) **COMPENSATION FOR LOSS.**—Section 237(f) (22 U.S.C. 2197(f)) is amended in the first sentence—

22 USC 2394-1.

(1) by striking out “and (2)” and inserting in lieu thereof “(2)”;
and

(2) by inserting immediately before the period at the end of the sentence the following: “, and (3) compensation for loss due to business interruption may be computed on a basis to be determined by the Corporation which reflects amounts lost”.

SEC. 7. MAXIMUM CONTINGENT LIABILITY FOR INVESTMENT GUARANTEES.

Section 234(b) (22 U.S.C. 2194(b)) is amended in the last proviso by striking out “10” and inserting in lieu thereof “15”.

SEC. 8. POOLING AND RISK-SHARING AGREEMENTS.

Section 234(f)(2) (22 U.S.C. 2194(f)(2)) is amended by striking out “other national or”.

SEC. 9. FACULTATIVE REINSURANCE PROGRAM.

(a) **ESTABLISHMENT.**—Title IV of chapter 2 of part I is amended by inserting after section 234 (22 U.S.C. 2194) the following new section:

22 USC 2194b.

Contracts.

Ante, p. 1669.

“SEC. 234A. FACULTATIVE REINSURANCE PROGRAM.

“(a) **ESTABLISHMENT.**—In order to encourage greater availability of political risk insurance for eligible investors, the Corporation shall establish, not later than one year after the date of the enactment of the Overseas Private Investment Corporation Amendments Act of 1985, a pilot program of facultative reinsurance. The program shall provide reinsurance to insurance companies, financial institutions, other persons, or groups thereof, with respect to insurance issued by such companies, institutions, persons, or groups for new investments, and expansions of existing investments, by eligible investors, in excess of limits which the Corporation would otherwise normally apply for its exposure to such investments. Contracts of reinsurance issued under the program shall be on equitable terms. The program, and any project covered by reinsurance under the program, shall be consistent with the provisions of this title.

“(b) **PERSONS ELIGIBLE FOR THE PROGRAM.**—An insurance company, financial institution, or other person shall be eligible to participate in the facultative reinsurance program established under subsection (a) if that company, institution, or other person is an eligible investor under this title. The Corporation shall take steps to encourage equitable participation in the program by all eligible persons.

“(c) **MAXIMUM EXPOSURE.**—The exposure of the Corporation under the facultative reinsurance program at any one time may not exceed \$150,000,000 or, with respect to any one country, \$50,000,000.

“(d) **ADVISORY GROUP.**—

“(1) **ESTABLISHMENT AND MEMBERSHIP.**—The Corporation shall establish a group to advise the Corporation on the development and implementation of the program of facultative reinsurance under this section. The group shall be composed of nine members as follows:

“(A) Three officers or employees of the Corporation designated by the Board.

“(B) Four persons appointed by the Board, of whom at least one shall represent an insurance company, one a reinsurance brokerage firm, and one an underwriter, a financial institution, or other person or entity eligible for

the facultative reinsurance program under this section. In selecting such persons, the Board shall consider their previous active involvement in the field of political risk insurance or reinsurance and shall consult with any major organizations representing insurance, reinsurance, and brokerage institutions as to the suitability of the respective candidates to represent their industry.

“(C) Two persons appointed by the Board from among persons who are eligible investors, other than persons described in subparagraph (B).

“(2) FUNCTIONS.—The advisory group shall advise the Corporation on the development and implementation of the facultative reinsurance program under this section, including ways to ensure equitable participation in the program by all eligible persons.

“(3) MEETINGS.—The advisory group shall meet not later than one hundred and eighty days after the date of the enactment of the Overseas Private Investment Corporation Amendments Act of 1985, and not less than once in every one hundred and eighty-day period thereafter.

“(4) FEDERAL ADVISORY COMMITTEE ACT.—The advisory group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) REPORT TO THE CONGRESS.—The Corporation shall, not later than eighteen months after the date of the enactment of the Overseas Private Investment Corporation Amendments Act of 1985, submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of the facultative reinsurance program established under subsection (a).”

b) TECHNICAL AMENDMENTS.—

(1) Section 235(d) (22 U.S.C. 2195(d)) is amended in the first sentence by striking out “or under similar predecessor guaranty authority” and inserting in lieu thereof “, under similar predecessor guaranty authority, or under section 234A”.

(2) Section 237(f) (22 U.S.C. 2197(f)) is amended in the last sentence by inserting “or 234A” after “234”.

(3) Section 240 (22 U.S.C. 2200) is amended in the last sentence by inserting “and section 234A” after “234”.

C. 10. EXTENSION OF ISSUING AUTHORITY.

Section 235(a)(5) (22 U.S.C. 2195(a)(5)) is amended by striking out “1985” and inserting in lieu thereof “1988”.

C. 11. AUDITS OF THE CORPORATION.

Section 239(c) (22 U.S.C. 2199(c)) is amended to read as follows:

“(c)(1) The Corporation shall be subject to the applicable provisions of chapter 91 of title 31, United States Code, except as otherwise provided in this title.

“(2) An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Corporation at least once every three years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General. The independent certified public accountant shall report the results of such audit to the Board. The financial statements of the Corporation shall be presented in accordance with generally accepted accounting

31 USC 9101 et
seq.

Report.

Report.

principles. These financial statements and the report of the accountant shall be included in a report which contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code, and which the Corporation shall submit to the Congress not later than six and one-half months after the end of the last fiscal year covered by the audit. The General Accounting Office may review the audit conducted by the accountant and the report to the Congress in the manner and at such times as the General Accounting Office considers necessary.

Report.

“(3) In lieu of the financial and compliance audit required by paragraph (2), the General Accounting Office shall, if the Office considers it necessary or upon the request of the Congress, audit the financial statements of the Corporation in the manner provided in paragraph (2). The Corporation shall reimburse the General Accounting Office for the full cost of any audit conducted under this paragraph.

“(4) All books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Corporation and the accountant who conducts the audit under paragraph (2), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office.”.

SEC. 12. EXEMPTION FROM TAXATION.

Section 239 (22 U.S.C. 2199) is amended by adding at the end thereof the following:

“(j) The Corporation, including its franchise, capital, reserves, surplus, advances, intangible property, and income, shall be exempt from all taxation at any time imposed by the United States, by any territory, dependency, or possession of the United States, or by any State, the District of Columbia, or any county, municipality, or local taxing authority.”.

SEC. 13. PUBLICATION OF POLICY GUIDELINES.

Section 239, as amended by the preceding section of this Act, is further amended by adding at the end thereof the following:

“(k) The Corporation shall publish, and make available to applicants for insurance, reinsurance, guarantees, financing, or other assistance made available by the Corporation under this title, the policy guidelines of the Corporation relating to its programs.”.

SEC. 14. EFFECTS OF OPIC ACTIVITIES ON EMPLOYMENT IN THE UNITED STATES.

(a) OPIC REPORTS.—Section 240A (22 U.S.C. 2200a) is amended—

(1) by inserting “(a)” immediately before “After” in the first sentence; and

(2) by adding at the end of the section the following new subsections:

“(b)(1) Each annual report required by subsection (a) shall contain projections of the effects on employment in the United States of all projects for which, during the preceding fiscal year, the Corporation initially issued any insurance, reinsurance, or guaranty or made any direct loan. Each such report shall include projections of—

“(A) the amount of United States exports to be generated by those projects, both during the start-up phase and over a period of years;

“(B) the final destination of the products to be produced as a result of those projects; and

Reports.
Loans.

Exports.

“(C) the impact such production will have on the production of similar products in the United States with regard to both domestic sales and exports.

Exports.

“(2) Each report required by this subsection shall be based on an analysis of each of the projects described in paragraph (1). The reports may, however, present information and analysis in aggregate form, but only if—

“(A) those projects which are projected to have a positive effect on employment in the United States and those projects which are projected to have a negative effect on employment in the United States are grouped separately; and

“(B) there is set forth for each such grouping the key characteristics of the projects within that grouping, including the number of projects in each economic sector, the countries in which the projects in each economic sector are located, and the projected level of the impact of the projects in each economic sector on employment in the United States and on United States trade.

Commerce and trade.

“(c)(1) Not later than December 31, 1987, the Corporation shall submit to the Congress a report analyzing the actual effects, as of September 30, 1986, on employment in the United States of all projects with respect to which any insurance, reinsurance, or guaranty issued by the Corporation was in effect on September 30, 1986, or with respect to which repayments on direct loans by the Corporation were being made as of that date. The report shall set forth—

Reports.
Loans.

“(A) the amount of United States exports generated by those projects during each fiscal year,

“(B) to the extent feasible, the final destination of the products produced each fiscal year as a result of those projects, and

“(C) the impact of such production on the production of similar products in the United States during each fiscal year with regard to both domestic sales and exports.

Exports.

“(2) In preparing this report, the Corporation shall collect factual data for each of the projects described in paragraph (1). The report may, however, present this information and the analysis of this information in aggregate form, but only if—

“(A) those projects which have a positive effect on employment in the United States and those projects which have a negative effect on employment in the United States are grouped separately; and

“(B) there is set forth for each such grouping the key characteristics of the projects within that grouping, including the number of projects in each economic sector, the countries in which the projects in each economic sector are located, and the impact of the projects in each economic sector on the level of employment in the United States and on the United States trade balance.

Commerce and trade.

“(3) The Corporation shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in determining the methodology to be used in acquiring the information and in doing the analysis necessary to prepare the report required by this subsection, including identification of which projects should be analyzed. To facilitate this consultation, the Corporation shall submit to those committees by September 30, 1986, a written description of its proposed methodology, including its proposed methodology with respect to determining final destinations.

“(4) To the extent that the report required by this subsection does not identify the final destination of the products produced as a result of a particular project, the report shall explain why it was not feasible to provide that information.

“(d) The Corporation shall maintain as part of its records—

“(1) all information collected in preparing the report required by subsection (c), whether the information was collected by the Corporation itself or by a contractor; and

“(2) a copy of the analysis of each project analyzed in preparing the reports required by either subsection (b) or (c).

“(e) Subsections (b) and (c) do not require the inclusion in any report submitted pursuant to those subsections of any information which would not be required to be made available to the public pursuant to section 552 of title 5, United States Code (relating to freedom of information).”.

(b) GAO STUDY AND REPORT.—The Comptroller General shall conduct a study of the impact on employment in the United States of the activities of the Overseas Private Investment Corporation and shall prepare and transmit to the Congress a report setting forth the findings of that study within one year after the date of enactment of this Act.

SEC. 15. RETURN OF APPROPRIATED FUNDS.

Repeal.

Section 240B (22 U.S.C. 2200b) is repealed.

SEC. 16. FALSE ADVERTISING OR MISUSE OF THE NAME OF THE CORPORATION.

Section 709 of title 18, United States Code, is amended by inserting after the tenth paragraph the following:

“Whoever uses the words ‘Overseas Private Investment’, ‘Overseas Private Investment Corporation’, or ‘OPIC’, as part of the business or firm name of a person, corporation, partnership, business trust, association, or business entity; or”.

SEC. 17. TECHNICAL AMENDMENTS.

(a) CLARIFICATION OF DEFINITION OF ELIGIBLE PERSON.—Clause (2) of section 238(c) (22 U.S.C. 2198(c)(2)) is amended by striking out “or any State or territory thereof” and inserting in lieu thereof “, any State or territory thereof, or the District of Columbia.”.

(b) CONFORMING INTERNAL CROSS-REFERENCES.—Section 235 (22 U.S.C. 2195) is amended—

(1) in subsection (c)—

(A) by striking out “section 235(d)” and inserting in lieu thereof “subsection (d) of this section”;

(B) by striking out “section 234(e)” and inserting in lieu thereof “subsection (e) of this section”; and

(C) by striking out “section 235(f)” and inserting in lieu thereof “subsection (f) of this section”; and

(2) in subsection (d) by striking out “section 235(f)” each place it appears and inserting in lieu thereof “subsection (f) of this section”.

(c) **REPEAL OF EXECUTED REPORTING REQUIREMENT.**—Section 9 of the Overseas Private Investment Corporation Amendments Act of 1981 (Public Law 97-65) is amended—

- (1) by striking out “(a)” after “Sec. 9.”; and
- (2) by striking out subsection (b).

22 USC 2200a.

22 USC 2200a
note.

Approved December 23, 1985.

LEGISLATIVE HISTORY—S. 947 (H.R. 3166):

HOUSE REPORTS: No. 99-285 accompanying H.R. 3166 (Comm. on Foreign Affairs) and No. 99-428 (Comm. of Conference).

SENATE REPORT No. 99-156 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Sept. 23, H.R. 3166 considered and passed House.

Nov. 14, considered and passed Senate.

Dec. 3, considered and passed House, amended, in lieu of H.R. 3166.

Dec. 11, House agreed to conference report.

Dec. 12, Senate agreed to conference report.

Public Law 99-205
99th Congress

An Act

Dec. 23, 1985
[S. 1884]

To amend the Farm Credit Act of 1971, to restructure and reform the Farm Credit System, and for other purposes.

Farm Credit
Amendments
Act of 1985.
Banks and
banking.
Loans.
12 USC 2001
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Credit Amendments Act of 1985".

TITLE I—PROVISIONS TO STRENGTHEN THE OPERATION OF
FARM CREDIT SYSTEM LENDING INSTITUTIONS

CAPITAL AND FINANCING

SEC. 101. Part A of title IV of the Farm Credit Act of 1971 is amended by—

12 USC 2151.

(1) amending section 4.0 to read as follows:

12 USC 1131.
12 USC 1141d.
12 USC 2001
note.

"SEC. 4.0. REVOLVING FUNDS; INVESTMENTS.—The revolving fund established by Public Law 87-343, 75 Stat. 758, as amended, and the revolving fund established by Public Law 87-494, 76 Stat. 109, as amended, and continued by Public Law 96-592, shall be merged and shall be available to the Farm Credit Administration for the purchase, on behalf of the United States, of capital stock of the Capital Corporation. The Farm Credit Administration may make such purchases of stock as the Farm Credit Administration determines, in its discretion, are necessary to achieve the purposes of this Act."

(2) striking out section 4.1;

(3) in section 4.3—

12 USC 2152.
12 USC 2154.

(A) redesignating subsection (b) as subsection (c); and
(B) by striking out the matter preceding subsection (b) and inserting in lieu thereof the following:

"SEC. 4.3. CAPITAL ADEQUACY OF BANKS AND ASSOCIATIONS.—(a) The Farm Credit Administration shall cause System institutions to achieve and maintain adequate capital by establishing minimum levels of capital for such System institutions and by using such other methods as the Farm Credit Administration deems appropriate. The Farm Credit Administration may establish such minimum level of capital for a System institution as the Farm Credit Administration, in its discretion, deems to be necessary or appropriate in light of the particular circumstances of the System institution.

"(b)(1) Failure of a System institution to maintain capital at or above its minimum level as established under subsection (a) may be deemed by the Farm Credit Administration, in its discretion, to constitute an unsafe and unsound practice within the meaning of this Act.

"(2)(A) In addition to, or in lieu of, any other action authorized by law, including paragraph (1), the Farm Credit Administration may issue a directive to a System institution that fails to maintain capital at or above its required level as established under subsection (a). Such directive may require the System institution to submit and adhere to a plan acceptable to the Farm Credit Administration

describing the means and timing by which the System institution shall achieve its required capital level, but may not require merger or consolidation without a majority vote of the voting stockholders or the contributors to the guaranty fund of the institution.

“(B) Any directive issued under this paragraph, including plans submitted pursuant thereto, shall be enforceable under the provisions of section 5.31 of this Act to the same extent as an effective and outstanding order issued under section 5.25 of this Act that has become final.

Post, p. 1700.

Post, p. 1694.

“(3) The Farm Credit Administration may consider such System institution’s progress in adhering to any plan required under paragraph (2) whenever such System institution, or an affiliate thereof, seeks the requisite approval of the Farm Credit Administration for any proposal that would divert earnings, diminish capital, or otherwise impede such System institution’s progress in achieving its minimum capital level. The Farm Credit Administration may deny such approval where it determines that such proposal would adversely affect the ability of the System institution to comply with such plan.”; and

(4) in section 4.4—

12 USC 2155.

(A) redesignating subsection (c) as subsection (d); and

(B) inserting, after subsection (b), the following:

“(c) For purposes of this part, the term ‘bank’ shall include the Capital Corporation.”.

APPOINTMENT OF CONSERVATOR OR RECEIVER

SEC. 102. Section 4.12 of the Farm Credit Act of 1971 is amended by striking out subsection (b) and inserting in lieu thereof the following:

12 USC 2183.

“(b) The Farm Credit Administration may appoint a conservator or receiver for any System institution on the determination by the Farm Credit Administration that one or more of the following exists, or is occurring, with respect to the institution: (1) insolvency, in that the assets of the institution are less than its obligations to its creditors and others, including its members; (2) substantial dissipation of assets or earnings due to any violation of law, rules, or regulations, or to any unsafe or unsound practice; (3) an unsafe or unsound condition to transact business; (4) willful violation of a cease and desist order that has become final; (5) concealment of books, papers, records, or assets of the institution or refusal to submit books, papers, records, or other material relating to the affairs of the institution for inspection to any examiner or to any lawful agent of the Farm Credit Administration. The Farm Credit Administration shall have exclusive power and jurisdiction to appoint a conservator or receiver. If the Farm Credit Administration determines that a ground for the appointment of a conservator or receiver as herein provided exists, the Farm Credit Administration may appoint ex parte and without notice a conservator or receiver for the institution. In the event of such appointment, the institution, within thirty days thereafter, may bring an action in the United States district court for the judicial district in which the home office of such institution is located, or in the United States District Court for the District of Columbia, for an order requiring the Farm Credit Administration to remove such conservator or receiver, and the court, shall on the merits, dismiss such action or direct the Farm Credit Administration to remove such conservator or receiver. On

the commencement of such an action, the court having jurisdiction of any other action or enforcement proceeding authorized under this Act to which the institution is a party shall stay such action or proceeding during the pendency of the action for removal of the conservator or receiver.”

FARM CREDIT SYSTEM CAPITAL CORPORATION

SEC. 103. Title IV of the Farm Credit Act of 1971 is amended by inserting, after section 4.28, the following:

“PART D1—FARM CREDIT SYSTEM CAPITAL CORPORATION

12 USC 2216.

Ante, p. 1678.

12 USC 2211.

Report.

12 USC 2216a.

“SEC. 4.28A. EXISTENCE OF CORPORATION.—The Farm Credit Administration, not later than 60 days after enactment of the Farm Credit Amendments Act of 1985, shall (1) charter the Farm Credit System Capital Corporation (referred to in this Act as ‘the Capital Corporation’), which, subject to the provisions of this part and the regulations of the Farm Credit Administration, shall be a federally chartered instrumentality of the United States and an institution of the Farm Credit System, and (2) revoke the charter for the Farm Credit System Capital Corporation issued under part D of this title. The charter issued to the Farm Credit System Capital Corporation pursuant to this paragraph shall be reviewed on December 31, 1987. The Farm Credit Administration Board shall submit to Congress by December 31, 1987, a report and analysis of the Capital Corporation together with any recommendations for legislation to extend the charter of the Farm Credit System Capital Corporation.

“SEC. 4.28B. PURPOSES.—For the sole purpose of carrying out a program of financial and technical assistance to institutions within the Farm Credit System (and their borrowers) which are experiencing financial difficulties, the Capital Corporation shall, in accordance with this part—

“(1) carry out a program of financial assistance among institutions of the Farm Credit System;

“(2) acquire from other Farm Credit System institutions and participate with such institutions in nonperforming assets of such institutions;

“(3) hold, restructure, collect, and otherwise administer nonperforming assets acquired from or participated in with other Farm Credit System institutions, and guarantee performing and nonperforming assets held by other Farm Credit institutions;

“(4) provide technical assistance and related services to other Farm Credit System institutions in connection with the administration of their loan portfolios;

“(5) provide assistance and related services to Farm Credit System institutions to assist them in restructuring or refinancing loans of their member-borrowers; and

“(6) receive and administer financial assistance for Farm Credit System institutions that originates outside of the Farm Credit System.

12 USC 2216b.

“SEC. 4.28C. BOARD OF DIRECTORS OF THE CAPITAL CORPORATION.—(a)(1) The Board of Directors of the Capital Corporation shall consist of five members, of which—

“(A)(i) three members shall be elected by the farm credit banks that own the voting stock in the Corporation, with—

“(I) one such member being elected from an institution and a district that, at the time of such election, is or is projected to be a net contributor of capital to the Corporation;

“(II) one such member being elected from an institution and a district that, at the time of such election, is or is projected to be a net recipient of capital (other than through the sale of loans or other assets at fair market value) from the Corporation; and

“(III) one such member being elected without regard to the restrictions in clause (i) and (ii).

“(ii) Each such bank shall have the right to cast one vote to fill each such vacancy without regard to the number of voting shares owned by such bank.

“(B) two members shall be appointed by the Chairman of the Farm Credit Administration Board.

“(2) Members appointed by the Chairman under paragraph (1)(B) shall be selected from United States citizens—

“(A) who are not borrowers from, shareholders in, or employees or agents of any institution of the Farm Credit System; and

“(B) who are experienced in financial services and credit.

“(3) The Farm Credit Administration Board shall, in its sole discretion and for purposes of the election of directors to the Capital Corporation only, project whether—

“(A) institutions within a district are or will be a net contributor of capital to the Corporation, or

“(B) the institutions within a district are or are expected to become net recipients of capital from the Corporation.

“(4) The Farm Credit Administration Board shall issue regulations providing for fair and equitable representation of all public and private interests on the Board of Directors of the Capital Corporation. The bylaws of the Corporation shall prescribe the procedures, established pursuant to regulations issued by the Board, under which directors of the Corporation will be nominated and elected.

Regulations.

“(5) Notwithstanding paragraph (1), in the event the Secretary of the Treasury purchases any obligation of the Farm Credit System Capital Corporation under section 4.28J, and for so long as such obligation remains outstanding, the Board of Directors of the Capital Corporation shall be expanded by two members, of which—

Post, p. 1686.

“(A) one member shall be appointed by the Secretary of Agriculture; and

“(B) one member shall be selected by the other members of the Board of the Capital Corporation, including the appointee of the Secretary of Agriculture, which member shall not be a—

“(i) borrower from, shareholder in, or employee or agent of any institution of the Farm Credit System; or

“(ii) a government employee.

“(b) Members of the Board of Directors shall serve two-year terms, except that, of the members first elected or appointed to the Board of Directors, one elected member and one appointed member shall serve initial terms of one year.

“(c) The Board of Directors shall elect, on an annual basis, a chairman from among the members of the Board.

“(d)(1) Members of the Board may succeed themselves and may serve until their successors are duly seated.

"(2) Vacancies on the Board shall be filled in the same manner as the vacant position was previously filled.

12 USC 2216c.

"SEC. 4.28D. COMPENSATION OF BOARD MEMBERS.—Members of the board of directors of the Capital Corporation shall receive compensation, including reasonable allowances for necessary expenses, in attending meetings of the board. The compensation shall not be in excess of the level set by the Farm Credit Administration.

Records.

12 USC 2216d.

"SEC. 4.28E. BOARD PROCEDURES.—The board of directors of the Capital Corporation shall adopt such rules as it may deem appropriate for the transaction of its business and shall keep permanent and accurate records and minutes of its acts and proceedings.

12 USC 2216e.

"SEC. 4.28F. CHIEF EXECUTIVE OFFICER OF THE CORPORATION.—The chief executive officer of the Capital Corporation shall be selected by the board of directors of the Capital Corporation, subject to the approval of the Farm Credit Administration, and shall serve at the pleasure of the board.

12 USC 2216f.

"SEC. 4.28G. GENERAL CORPORATE POWERS.—(a) The Capital Corporation shall be a body corporate and, subject to regulation by the Farm Credit Administration, shall have the power to—

"(1) operate under the direction of its board of directors;

"(2) adopt, alter, and use a corporate seal, which shall be judicially noted;

"(3) provide for one or more vice presidents, a secretary, a treasurer, and such other officers, employees, and agents, as may be necessary, define their duties, and require surety bonds or make other provisions against losses occasioned by acts of such persons;

Securities.

"(4) prescribe by its board of directors its bylaws, not inconsistent with law, which shall provide for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; the manner in which its officers, employees, and agents are selected; its property is acquired, held, and transferred; its loans, commitments, and other financial assistance are made; its general business is conducted; and the privileges granted by law are exercised and enjoyed;

Contracts.

"(5) enter into contracts and make advance, progress, or other payments with respect to such contracts;

Contracts.

"(6) contract with System institutions for local administration, servicing, and restructuring of loan and loan-related assets and management of acquired properties of the Corporation;

"(7) sue and be sued in its corporate name and complain and defend, in any court of competent jurisdiction, State or Federal;

Real property.
Gifts and
property.

"(8) acquire, hold, lease, mortgage, or dispose of, at public or private sale, real and personal property, and guarantee, sell, or exchange any securities or obligations, and otherwise exercise all the usual incidents of ownership of property necessary and convenient to its business;

Securities.

"(9) authorize, through its board of directors, the issuance and sale of obligations, including notes, bonds, debentures, capital notes, and voting or nonvoting securities, to the Secretary of the Treasury or the Farm Credit Administration, under such terms and conditions as shall be determined;

Insurance.

Contracts.

"(10) obtain insurance against loss;

"(11) modify or consent to modification with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or

agreement to which it is a party or in which it has an interest under this Act;

“(12) borrow from any commercial bank on its own individual responsibility on such terms and conditions as it may determine with the approval of the Farm Credit Administration;

“(13) join with Farm Credit System banks in the issuance of System-wide notes, bonds, debentures, and other similar obligations under section 4.2(d) of this Act, or assume liability with respect to outstanding System-wide obligations. If it satisfies the requirements applicable to banks under section 4.3(c) of this Act, it shall be jointly and severally liable with the System banks for the payment of principal and interest on such obligations, and pay on such obligations any sums as may be called on by the Farm Credit Administration to make payments of principal or interest that any bank or banks primarily liable therefor are unable to make;

“(14) require other institutions of the Farm Credit System, through purchase of stock in, or obligations of, the Capital Corporation, to make funds available to the Capital Corporation to enable it to make financial assistance available to institutions of the Farm Credit System as provided in paragraph (15). The Capital Corporation may also assess at such times and under such circumstances as it deems appropriate, System Institutions for the purpose of covering its operating expenses not to include interest costs. The guidelines to be used by the Capital Corporation in obtaining funds from other institutions of the Farm Credit System for the purpose of aggregating resources to assist System institutions, to the extent practicable, shall give priority to obtaining funds through the use of transactions that require the Capital Corporation, on reasonable terms, to repay the contributed funds from surpluses accumulated by the Capital Corporation, and otherwise shall be in conformity with regulations issued by the Farm Credit Administration;

“(15) administer financial assistance under regulations of the Farm Credit Administration which shall—

“(A) include standards to ensure that, consistent with sound business practices and subject to the criteria established under subparagraph (B) of this paragraph, the available capital and reserves of System institutions are committed to providing financial assistance to those institutions of the Farm Credit System eligible therefor. The term ‘available capital and reserves’, as used in this subparagraph, shall not include capital stock, participation certificates and allocated equities held by borrowers that are not associations chartered under this Act;

“(B) establish criteria pursuant to which the Capital Corporation shall require other institutions of the Farm Credit System, through the purchase of stock in, or obligations of, the Capital Corporation to make funds available to the Capital Corporation under paragraph (14). Such criteria shall—

“(i) provide for an equitable sharing of the burden of such assessments or purchases, taking into account (I) the relative financial strength and ability to pay of the contributing institutions; (II) the effect, including the effect on loan interest rates, on current borrowers and

Securities.

12 USC 2153.

Ante, p. 1678.
Securities.

Securities.

Regulations.

Securities.

Securities.

members of each System institution; and (III) the effect on lending rates of financial assistance already provided to other System institutions; and

“(ii) be designed to ensure that (I) the capital strength, earning capacity, loanable funds and overall financial viability of each System institution providing funds to the Capital Corporation are maintained at such a level that credit shall continue to be available to eligible borrowers on reasonable and competitive terms, (II) each bank shall continue to have access to funds in the public financial markets, and (III) each bank is able to maintain adequate financial resources to satisfy its liability on its own obligations and on the portion of systemwide notes, bonds, debentures, and other obligations for which it is primarily liable; and

“(C) establish criteria to be used in determining eligibility of System institutions for financial assistance from the Capital Corporation and the types and amounts of financial assistance that can be obtained from the Corporation. Such regulations shall provide that an institution shall be eligible to receive financial assistance when its financial condition has deteriorated to a point where its continued operation is jeopardized and the provision of such financial assistance is necessary to ensure that farm credit services will continue to be available to borrowers in the institution's territory;

“(16) purchase at fair market value from any other System institution, on the request of such institution, loans (or interests in loans) that have been placed in nonaccrual status and assets (or interests in assets) in the account for acquired property;

“(17) require System institutions to sell to the Capital Corporation loans, assets, and interests described in paragraph (16) as a condition to receiving financial assistance from the Capital Corporation;

“(18) exercise all the rights and privileges of any System institution with respect to any loan which it has acquired or in which it has participated, including the adjustment of interest rates, compromise of indebtedness, waiver of default, and other such rights and privileges;

“(19) assume debt or other liabilities from System institutions in connection with the acquisition of loans or interests therefrom or other assets from such institutions;

“(20) refinance, reamortize, guarantee, or compromise indebtedness, and otherwise provide debt adjustment assistance, with respect to any loan to a borrower of a System institution purchased under paragraph (16) or participated in by the Capital Corporation, and, after a determination by the Capital Corporation that the borrower could not reasonably be anticipated to meet loan servicing charges under the original loan, refinanced, reamortized, or otherwise restructured loan under reasonable terms and conditions acceptable to the Capital Corporation, liquidate any such loan;

“(21) purchase from associations undergoing liquidation assets which are performing loans not voluntarily purchased from other associations;

“(22) adopt a salary scale for officers and employees of the Capital Corporation, in accordance with the directives of the board of directors; and

“(23) deposit its securities and its current funds with any member of the Federal Reserve System or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act and pay fees therefor and receive interest thereon as may be agreed.

Securities.

12 USC 1813.

The Capital Corporation shall have such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this Act.

“(b) The powers of the Capital Corporation set forth in subsection (a) of this section, to the extent they authorize the financial assistance of any type to borrowers and System institutions, shall be limited after December 31, 1990, as provided in this subsection. The powers of the Capital Corporation to directly or indirectly increase the level of such financial assistance to a borrower or institution or to provide directly or indirectly any such financial assistance to a borrower or institution not receiving such assistance on December 31, 1990, shall terminate on that date. All other powers, including those necessary for management and orderly liquidation of commitments made and obligations incurred in providing such assistance to borrowers and institutions on or before December 31, 1990, shall remain in effect thereafter.

Termination.

“(c) Officers or employees of the Capital Corporation, like other Farm Credit System employees, shall not be considered officers or employees of the Federal Government. Funds held by the Capital Corporation shall not be construed to be Government funds or appropriated moneys.

“SEC. 4.28H. SUCCESSION OF THE CORPORATION.—On the issuance by the Farm Credit Administration of the new charter for the Capital Corporation under this part, the Capital Corporation shall succeed to the assets of and be liable for and assume all debts, obligations, contracts, and other liabilities of the Farm Credit System Capital Corporation chartered under part D of this title (referred to in this section as ‘the predecessor corporation’), matured or unmatured, accrued, absolute, contingent or otherwise, and whether or not reflected or reserved against on balance sheets, books of account, or records of the predecessor corporation. The stock of the predecessor corporation shall be converted into stock of the Capital Corporation. The existing contractual obligations, security instruments, and title instruments of the predecessor corporation shall, by operation of law and without any further action by the Farm Credit Administration, the predecessor corporation, or any court, become and be converted into obligations, entitlements, and instruments of the Capital Corporation chartered under this part. To the extent that, on the extinguishing of liabilities assumed by the Capital Corporation under this section, and full performance or other final disposition of contract obligations under contracts assumed by the Capital Corporation under this section, there remain surplus funds attributable to such obligations or contracts, the Capital Corporation shall distribute such surplus funds among the System institutions that contributed funds to the predecessor corporation on the basis of the relative amount of funds so contributed by each institution.

12 USC 2216g.

12 USC 2211.

Securities.

Contracts.

“SEC. 4.28I. LIMITATION OF POWERS.—(a) The powers of the Capital Corporation under this part shall be exercised only for the purposes

12 USC 2216h.

Ante, p. 1678;
post, p. 1707.

Real property.

specified in this part and shall not be exercised in a manner that would result in the Capital Corporation supplanting the Farm Credit System institutions operating under titles I through III of this Act as the primary providers of credit and other financial services to farmers, ranchers, and their cooperatives.

“(b) Sales by the Capital Corporation of real property formerly securing a liquidated loan shall be conducted pursuant to guidelines adopted by the Capital Corporation that are compatible with the following criteria:

“(1) Notice of pending sales shall be made public.

“(2) Previous owners shall be advised of the pending sale and shall not be precluded from purchasing their former property.

“(3) The sale of real property acquired by the Corporation in large tracts shall be discouraged.

Securities.
12 USC 2216i.

“SEC. 4.28J. AUTHORITY OF THE SECRETARY OF THE TREASURY.—(a) On certification by the Farm Credit Administration that (1) the Farm Credit System is in need of financial assistance to address financial stress of System institutions, (2) the System has committed its available capital surplus and reserves to address such financial stress of System institutions, (3) the salaries and benefits of the senior executive officers of System institutions (except associations) will be frozen, such freeze to remain in effect until the earlier of five years after the freeze begins or such time as the Secretary no longer holds any obligations issued by the Capital Corporation, and (4) the System has used such capital surplus and reserves to the extent that further contributions from, or losses incurred by, System institutions likely will preclude such institutions from making credit available to eligible borrowers on reasonable terms, the Secretary of the Treasury, in the Secretary's discretion, may purchase any obligations issued by the Capital Corporation under this part, as heretofore, now, or hereafter in force; and for such purpose the Secretary of the Treasury may use as a public-debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include such purchases. The authorities provided to the Secretary of the Treasury by the preceding sentence shall be effective for any fiscal year only to such extent or in such amounts as provided in advance in appropriation Acts. The Secretary of the Treasury, at any time, may sell, on such terms and conditions and at such price or prices as the Secretary shall determine, any of the obligations acquired by the Secretary under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this section shall be treated as public-debt transactions of the United States. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be on terms and conditions as shall be determined by the Secretary of the Treasury, taking into consideration the objectives that System institutions retain the ability to make credit available to eligible borrowers on reasonable terms and that banks of the System continue to have access to funds in the public financial markets.

“(b) The Farm Credit Administration promptly shall submit a copy of any certification made under subsection (a) to Congress, and the Secretary of the Treasury shall, not later than forty-five days after such certification is made, make known to the Congress and the Farm Credit Administration the Secretary's decision as to

31 USC 774.

exercising the authority under subsection (a) and the reasons and documentation therefor, if that decision is not to purchase obligations of the Capital Corporation.

“SEC. 4.28K. INITIAL CAPITALIZATION.—The Farm Credit Administration shall provide for the initial capitalization of the Capital Corporation by requiring, in accordance with section 4.28G, institutions of the System to contribute capital to the Capital Corporation such amounts and under such terms and conditions as the Farm Credit Administration, in consultation with System institutions, may prescribe.

12 USC 2216j.

Ante, p. 1682.

“SEC. 4.28L. TAX STATUS OF CONSOLIDATED OBLIGATIONS.—Consolidated notes, bonds, debentures, or other obligations, the issuance of which is joined in by the Capital Corporation pursuant to paragraph (3) of section 4.28G, shall have the same tax status as provided by this Act with respect to such obligations issued by the banks.”.

Securities.

12 USC 2216k.

CONFORMING AMENDMENT

SEC. 104. Title IV of the Farm Credit Act of 1971 is further amended by inserting before section 4.2 the following:

“SEC. 4.1. REQUIREMENTS TO PURCHASE STOCK AND PAY ASSESSMENTS AND CONTRIBUTE CAPITAL TO CAPITAL CORPORATION.—The Federal land banks, the Federal intermediate credit banks, the banks for cooperatives, the Federal land bank associations, and the production credit associations shall purchase stock in, or obligations of the Capital Corporation, pay assessments, make capital contributions, and take such other related actions as required by the Capital Corporation in the exercise of its powers under this Act. Any payment for retirement of stock so purchased, or repayment of obligations so purchased, by the Capital Corporation shall be distributed among all holders of such stock or obligations on the basis of the book value of the stock or obligations held by each such holder at the time of the distribution.”.

12 USC 2152.

CENTRAL RESERVE

SEC. 105. Part A of title IV of the Farm Credit Act of 1971 (12 U.S.C. 2151 et seq.) is amended by inserting after section 4.9 the following:

“SEC. 4.9A. CENTRAL RESERVE FOR FARM CREDIT SYSTEM.—(a) The Farm Credit Administration may, effective January 1, 1991, establish and maintain a central reserve for the Farm Credit System. (b) Such central reserve shall be held in the form of Treasury securities and demand deposits.

Effective date.

Securities.

12 USC 2161.

“(c) The Farm Credit Administration may use the reserve to make temporary deposits and temporary investments in financially troubled banks or associations of the Farm Credit System.

“(d)(1) The Farm Credit Administration may order payments into such central reserve of one-tenth of 1 percent of the proceeds of each individual, consolidated, or System-wide note, bond, debenture, or other obligation issued by the Farm Credit System, or any part thereof, under this Act.

“(2) Such payments under paragraph (1) may be ordered during any period when such central reserve contains the unobligated sum the Farm Credit Administration deems inadequate to achieve the purposes of such central reserve, but not more than a sum equal to 3 percent of the total of loans outstanding on December 31 of the last

preceding calendar year from institutions in the Farm Credit System to persons other than other such institutions.

"(e) The Farm Credit Administration shall require a bank or association to repay in whole or in part a temporary deposit or retire in whole or in part a temporary investment, made in such bank or association under this section, at such time as in the opinion of the Farm Credit Administration such bank or association has resources available therefor and the need for such temporary deposit or temporary investment is reduced or no longer exists.

"(f) The Farm Credit Administration shall issue rules and regulations implementing this section."

TITLE II—REGULATION OF THE FARM CREDIT SYSTEM

RESTRUCTURE OF THE FARM CREDIT ADMINISTRATION

SEC. 201. Part B of title V of the Farm Credit Act of 1971 is amended by—

(1) amending sections 5.7 through 5.12 to read as follows:

12 USC 2241.

"SEC. 5.7. THE FARM CREDIT ADMINISTRATION.—The Farm Credit Administration shall be an independent agency in the executive branch of the Government. It shall be composed of the Farm Credit Administration Board and such other personnel as are employed in carrying out the functions, powers, and duties vested in the Farm Credit Administration by this Act.

12 USC 2242.

"SEC. 5.8. THE FARM CREDIT ADMINISTRATION BOARD; APPOINTMENT; TERM OF OFFICE; ORGANIZATION AND COMPENSATION.—(a) The management of the Farm Credit Administration shall be vested in a Farm Credit Administration Board (referred to in this part as 'the Board'). The Board shall consist of three members, who shall be citizens of the United States and broadly representative of the public interest. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. Not more than two members of the Board shall be members of the same political party. Of the persons thus appointed, one shall be designated by the President to serve as Chairman of the Board for the duration of the member's term. The members of the Board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any institution of the Farm Credit System.

"(b) The term of office of each member of the Board shall be six years, except that the terms of the two members, other than the Chairman, first appointed under subsection (a) shall expire, one on the expiration of two years after the date of appointment, and one on the expiration of four years after the date of appointment. Members of the Board shall not be appointed to succeed themselves, except that the members first appointed under subsection (a) for a term of less than six years may be reappointed for a full six-year term and members appointed to fill unexpired terms of three years or less may be reappointed for a full six-year term. Any vacancy shall be filled for the unexpired term on like appointment. Any member of the Board shall continue to serve as such after the expiration of the member's term until a successor has been appointed and qualified.

"(c) Each member of the Board, within fifteen days after notice of appointment, shall subscribe to the oath of office. The Board may transact business if a vacancy exists, provided a quorum is present.

quorum shall consist of two members of the Board. The Board shall hold at least one meeting each month and such additional meetings at such times and places as it may fix and determine. Such meetings shall be held on the call of the Chairman or any two Board members. The Board shall adopt such rules as it deems appropriate for the transaction of its business and shall keep permanent and accurate records and minutes of its acts and proceedings.

Records.

“(d) The members of the Board shall devote their full time and attention to the business of the Board. The Chairman of the Board shall receive compensation at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5 of the United States Code. Each of the other members of the Board shall receive compensation at the rate prescribed for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code. Each member of the Board shall be reimbursed for necessary travel, subsistence, and other expenses in the discharge of the member’s official duties without regard to other laws with respect to allowance for travel and subsistence of officers and employees of the United States. This subsection shall be subject to the provisions of section 1 of this Act.

Post, p. 1690.

12 USC 2243.

“SEC. 5.9. POWERS OF THE BOARD; CIVIL PROCEEDINGS.—The Board shall manage and administer, and establish policies for, the Farm Credit Administration. It—

“(1) shall approve the rules and regulations for the implementation of this Act not inconsistent with its provisions;

“(2) shall provide for the examination of the condition of, and general regulation of the performance of the powers, functions, and duties vested in, each institution of the Farm Credit System;

“(3) shall provide for the performance of all the powers and duties vested in the Farm Credit Administration; and

“(4) may require such reports as it deems necessary from the institutions of the Farm Credit System.

“SEC. 5.10. CHAIRMAN; RESPONSIBILITIES; GOVERNING STAND-

12 USC 2244.

ARDS.—(a) The Chairman of the Board shall be the executive officer of the Board and the chief executive officer of the Farm Credit Administration. The Chairman shall be responsible for directing the implementation of the policies and regulations adopted by the Board and the execution of all of the administrative functions and duties of the Farm Credit Administration. The Chairman shall be the spokesman for the Board and the Farm Credit Administration and shall represent the Board and the Farm Credit Administration in their official relations within the Government. Under policies adopted by the Board, the Chairman shall consult on a regular basis with the Secretary of the Treasury in connection with the exercise by the System of the powers conferred under section 4.2 of this Act, with the Board of Governors of the Federal Reserve System in connection with the effect of System lending activities on national monetary policy, and with the Secretary of Agriculture in connection with the effect of System policies on farmers and the agricultural economy.

12 USC 2153.

“(b) In carrying out responsibilities under this Act, the Chairman of the Board shall be governed by general policies adopted by the Board and by such regulatory decisions, findings, and determinations as the Board may by law be authorized to make and, as to third persons, all acts of the Chairman of the Board shall be conclusively presumed to be in compliance with such general policies and regulatory decisions, findings, and determinations.

“(c) The Chairman of the Board shall enforce the rules, regulations, and orders of the Board. Except as provided in section 518 of title 28 of the United States Code, relating to litigation before the Supreme Court, attorneys designated by the Chairman shall represent the Farm Credit Administration in any civil proceeding or civil action brought in connection with the administration of conservatorships and receiverships. Attorneys designated by the Chairman may represent the Farm Credit Administration in any other civil proceedings or civil action when so authorized by the Attorney General under provisions of title 28.

12 USC 2245.

“SEC. 5.11. ORGANIZATION OF THE FARM CREDIT ADMINISTRATION.—The Chairman of the Board, in carrying out the powers and duties now or hereafter vested in the Chairman by this Act and acts supplementary thereto, may establish and fix the powers and the duties of such divisions or other units as the Chairman may deem necessary to the efficient functioning of the Farm Credit Administration and the successful execution of the powers and duties vested in the Board and the Farm Credit Administration. The Chairman of the Board shall appoint such personnel as may be necessary to carry out the functions of the Farm Credit Administration. Officers and employees of the Farm Credit Administration shall be subject to the Ethics in Government Act of 1978 and shall be considered officers or employees of the United States for the purposes of sections 201 through 203, and sections 205 through 209, of title 18 of the United States Code. Officers and employees of the Farm Credit Administration shall be subject to section 5373 of title 5 of the United States Code. The powers of the Chairman as chief executive officer of the Farm Credit Administration may be exercised and performed by the Chairman through such other officers and employees of the Farm Credit Administration as the Chairman shall designate. The operations of the Farm Credit Administration, and the salaries of members of the Board and employees of the Administration, shall be funded and paid for from the fund created under section 5.15 of this Act.

2 USC 701 note.

Infra.

12 USC 2246.

“SEC. 5.12. ADVISORY COMMITTEES.—The Chairman of the Board may establish one or more advisory committees in accordance with the Federal Advisory Committee Act and may appoint to such committee or committees individuals who are members of the Federal Farm Credit Board when such Board is terminated by the Farm Credit Amendments Act of 1985.”;

12 USC 2247.

(2) striking out section 5.13;

12 USC 2248.

(3) redesignating section 5.14 as section 5.13, and, in section 5.13, as so redesignated, striking out “Governor” and inserting in lieu thereof “Board”;

12 USC 2249.

(4) redesignating section 5.15 as section 5.14, and, in the second sentence of section 5.14, as so redesignated, striking out “section 5.16(b)” and “section 5.16(a)” and inserting in lieu thereof “section 5.15(b)” and “section 5.15(a)”, respectively;

12 USC 2250.

(5) redesignating section 5.16 as section 5.15;

12 USC 2251.

(6) redesignating section 5.17 as section 5.16, and, in section 5.16, as so redesignated—

(A) striking out “section 5.15” in the first sentence and inserting in lieu thereof “section 5.14”;

(B) striking out “Federal Farm Credit” in paragraph (2) of the first sentence; and

(C) striking out “section 5.16” and inserting in lieu thereof “section 5.15”; and

(7) redesignating section 5.18 as section 5.17 and amending subsection (a) thereof to read as follows: 12 USC 2252.

“(a) The Farm Credit Administration shall have the following powers, functions, and responsibilities in connection with the institutions of the Farm Credit System and the administration of this Act:

“(1) Modify the boundaries of farm credit districts, with due regard for the farm credit needs of the country, as approved by the Board, with the concurrence of the district boards involved.

“(2) Where necessary or appropriate to carry out the policy and objectives of this Act, issue and amend or modify Federal charters of institutions of the System; approve change in names of banks operating under this Act; approve the merger of districts when agreed to by the boards of the districts involved and by a majority vote of the voting stockholders and contributors to the guaranty funds of each bank for each of such districts, voting in the same manner as is provided in section 4.10 of this Act; approve mergers of banks operating under the same title of this Act, merger of Federal land bank associations, merger of production credit associations, and the consolidation or division of the territories that they serve when agreed to by a majority vote of the voting stockholders or contributors to the guaranty fund of each of the institutions involved; and approve consolidations of boards of directors or management agreements when agreed to by a majority vote of the voting stockholders or contributors to the guaranty fund of each of the institutions involved. In issuing charters and certificates of territory for district-wide mergers of associations where stockholders of one or more associations did not approve the merger, the charter of the new or merged association shall not include the territory of the disagreeing association or associations; charters issued during calendar year 1985 for district-wide new or merged associations which included the territory of a disagreeing association shall be revoked and reissued to exclude such territory, unless subsequently agreed to by the board of directors of such association or associations; and the Farm Credit Administration shall ensure that the board of directors of district banks does not discriminate against the disapproving associations in exercising its supervisory authorities. Such associations shall not be (i) charged any assessment under this Act at a rate higher than that charged other like associations in the district or (ii) discriminated against in the provision of any financial service and assistance (including, but not limited to, access to credit and rates of interest on loans and discounts) by a district Farm Credit bank to the association and its member-borrowers. The Chairman of the Farm Credit Administration Board, after consultation with the respective district board or boards and the board of directors of the Capital Corporation may require two or more banks of the Farm Credit System (other than Central Banks for Cooperatives) operating under the same title to merge if the Chairman determines that one of such banks has failed to meet outstanding obligations of such bank.

Discrimination,
prohibition.

12 USC 2181.

“(3) Make annual reports directly to Congress on the condition of the System and its institutions, based on the examinations carried out under section 5.19 of this Act, and on the manner and extent to which the purposes and objectives of this Act are being carried out and, from time to time, recommend

Reports.

Post, p. 1693.

Reports.

12 USC 2207.

12 USC 2153.

Regulations.

Securities.

Ante, p. 1678.

Safety.

Post, p. 1694.

directly legislative changes. The annual reports shall include a summary and analysis of the reports submitted to the Farm Credit Administration by the Federal land banks and Federal intermediate credit banks under section 4.19(b) of this Act relating to programs for serving young, beginning, and small farmers and ranchers.

"(4) Approve the issuance of obligations of the System under subsections (c) and (d) of section 4.2 of this Act for the purpose of funding the authorized operations of the institutions of the System, and prescribe collateral therefor.

"(5) Grant approvals provided for under this Act either on a case-by-case basis or through regulations that confer approval on actions of Farm Credit System institutions that meet standards and criteria established by the Farm Credit Administration, including standards and criteria with respect to (A) interest rates on obligations of Farm Credit System institutions and on loans made or discounted by such institutions, and (B) the payment of dividends or patronage refunds by Farm Credit System institutions.

"(6) Establish standards for the System institutions with respect to loan security requirements and regulate the borrowing, repayment, and transfer of funds and equities between institutions of the System.

"(7) Conduct loan and collateral security review.

"(8) Make investments in stock of the Capital Corporation out of the revolving fund referred to in section 4.0, and require the retirement of such stock.

"(9) Regulate the preparation by System institutions and the dissemination to stockholders and investors of information on the financial condition and operations of such institutions.

"(10) Prescribe rules and regulations necessary or appropriate for carrying out this Act.

"(11) Exercise the powers conferred on it under part C of this title for the purpose of ensuring the safety and soundness of System institutions.

"(12) Exercise such incidental powers as may be necessary or appropriate to fulfill its duties and carry out the purposes of this Act.

"(13) Sue and be sued, complain and defend in any court of law or equity, State or Federal. All suits of a civil nature at common law or in equity to which the Farm Credit Administration shall be a party shall be deemed to arise under the laws of the United States, and the United States district courts shall have original jurisdiction thereof, without regard to the amount of the controversy; and the Farm Credit Administration may, without bond or security, remove any such action, suit, or proceeding from a State court to the United States district court for the district or division embracing the place where the same is pending by following any procedure for removal now or hereafter in effect. Service of process on the Farm Credit Administration shall be in accordance with provisions of title 28 of the United States Code and rules adopted under title 28 for suits in which an agency of the United States is a party. The Farm Credit Administration shall designate an agent at its principal office to accept service of process.

"(14) Require surety bonds or other provisions for protection of the assets of the institutions of the System against losses occasioned by employees.

Bonds.

"(15) Except for associations, approve the salary scale for employees of the institutions of the System, and approve the compensation of the chief executive officer of such institutions: *Provided*, That no salary scale or rate of compensation shall be approved under this provision unless determined to be fair and reasonable."

DELEGATIONS

SEC. 202. (a) Section 5.19 of the Farm Credit Act of 1971 is repealed.

Repeal.
12 USC 2253.

(b) Part B of title V of the Farm Credit Act of 1971 is further amended by inserting, after section 5.17, as so redesignated by section 201 of this title, the following:

"SEC. 5.18. PRIOR DELEGATIONS.—Any delegations by the Farm Credit Administration and redelegations thereof made in accordance with section 5.19 of the Farm Credit Act of 1971 as in effect prior to the effective date of the Farm Credit Amendments Act of 1985 may continue in full force and effect, at the discretion of the Farm Credit Administration, for the period ending twelve months after the date of enactment of such Act."

Ante, p. 1690.
Effective date.
12 USC 2253.

FARM CREDIT ADMINISTRATION EXAMINATIONS; CONFORMING AMENDMENT

SEC. 203. (a) Section 5.20 of the Farm Credit Act of 1971 is redesignated as section 5.19 and amended to read as follows:

12 USC 2254.

"SEC. 5.19. EXAMINATIONS.—(a) Each institution of the System shall be examined by Farm Credit Administration examiners at such times as the Chairman of the Board may determine, but in no event less than once each year. Such examinations shall include, but are not limited to, an analysis of credit and collateral quality and capitalization of the institution, and appraisals of the effectiveness of the institution's management and application of policies governing the carrying out of this Act and regulations of the Farm Credit Administration and servicing all eligible borrowers. At the direction of the Chairman of the Board, Farm Credit Administration examiners also shall make examinations of the condition of any organization, other than federally regulated financial institutions, to, for, or with which any institution of the System contemplates making a loan or discounting paper. For the purposes of this Act, examiners of the Farm Credit Administration shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under the National Bank Act, the Federal Reserve Act, and Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law.

12 USC 38 and
note, 226 and
note.
12 USC 1811
note.
Report.

"(b) Each institution of the System shall make and publish an annual report of condition as prescribed by the Farm Credit Administration. Each such report shall contain financial statements prepared in accordance with generally accepted accounting principles and contain such additional information as the Farm Credit Administration by regulation may require. Such financial statements of System institutions shall be audited by an independent public accountant.

Report.

“(c) The Farm Credit Administration may publish the report of its examination of any System institution that does not, before the expiration of the 120th day after the date of notification of the recommendations and suggestions of the Farm Credit Administration, based on such examination, comply with such recommendations and suggestions to the satisfaction of the Farm Credit Administration. The Farm Credit Administration shall give notice of intention to publish such report in the event of such noncompliance at least 90 days before such publication. Such notice of intention may be given any time after the date of such notification of recommendations and suggestions.”.

12 USC
2255-2259.

(b) Sections 5.21, 5.22, 5.23, 5.24, and 5.25 of the Farm Credit Act of 1971 are redesignated as sections 5.20, 5.21, 5.22, 5.23, and 5.24, respectively.

ENFORCEMENT POWERS

Supra.

SEC. 204. Title V of the Farm Credit Act of 1971 is amended by inserting after section 5.24, as so redesignated by section 203(b), the following:

“PART C—ENFORCEMENT POWERS OF FARM CREDIT ADMINISTRATION”

12 USC 2261.

“SEC. 5.25. CEASE AND DESIST PROCEEDINGS.—(a) If, in the opinion of the Farm Credit Administration, any institution in the Farm Credit System, or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such an institution is engaging or has engaged, or the Farm Credit Administration has reasonable cause to believe that the institution or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such institution is about to engage, in an unsafe or unsound practice in conducting the business of such institution, or is violating or has violated, or the Farm Credit Administration has reasonable cause to believe that the institution or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such institution is about to violate, a law, rule, regulation, or any condition imposed in writing by the Farm Credit Administration in connection with the granting of any application or other request by the institution or any written agreement entered into with the Farm Credit Administration, the Farm Credit Administration may issue and serve upon the institution or such director, officer, employee, agent, or other person a notice of charges in respect thereof. The notice shall contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practice or practices, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the institution or director, officer, employee, agent, or other person participating in the conduct of the affairs of such institution. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of such notice unless an earlier or a later date is set by the Farm Credit Administration at the request of any party so served. Unless the party or parties so served shall appear at the hearing personally or by a duly authorized representative, the charges shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent, or if upon the record made at any such hearing, the Farm Credit Administration shall find that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Farm Credit Administration may

sue and serve upon the institution or the director, officer, employee, agent, or other person participating in the conduct of the affairs of such institution an order to cease and desist from any such violation or practice. Such order may, by provisions that may be mandatory or otherwise, require the institution or its directors, officers, employees, agents, and other persons participating in the conduct of the affairs of such institution to cease and desist from the same, and, further, to take affirmative action to correct the conditions resulting from any such violation or practice.

“(b) A cease and desist order shall become effective at the expiration of thirty days after the service of such order upon the institution or other person concerned (except in the case of a cease and desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein except to such extent as it is stayed, modified, terminated, or set aside by action of the Farm Credit Administration or a reviewing court.

Effective date.

“SEC. 5.26. TEMPORARY CEASE AND DESIST ORDERS.—(a) Whenever the Farm Credit Administration shall determine that the violation of a threatened violation or the unsafe or unsound practice or practices, specified in the notice of charges served upon the institution or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such institution under section 5.25, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the institution, or is likely to seriously weaken the condition of the institution or otherwise seriously prejudice the interests of the investors in Farm Credit System obligations or shareholders in the institution prior to the completion of the proceedings conducted under section 5.25, the Farm Credit Administration may issue a temporary order requiring the institution or such director, officer, employee, agent, or other person to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order shall become effective upon service upon the institution or such director, officer, employee, agent, or other person participating in the conduct of the affairs of such institution and, unless set aside, limited, or suspended by a court in proceedings authorized by subsection (b), shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Farm Credit Administration shall dismiss the charges specified in such notice, or if a cease and desist order is issued against the institution or such director, officer, employee, agent, or other person, until effective date of such order.

12 USC 2262.

Ante, p. 1694.

“(b) Within ten days after the institution concerned or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such institution has been served with a temporary cease and desist order, the institution or such director, officer, employee, agent, or other person may apply to the United States district court for the judicial district in which the home office of the institution is located, or the United States district court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the institution or such director, officer, employee, agent, or other person under section 5.25, and such court shall have jurisdiction to issue such injunction.

12 USC 2263.

Ante, p. 1695.Crimes and
misdemeanors.
12 USC 2264.

"SEC. 5.27. ENFORCEMENT OF TEMPORARY CEASE AND DESIST ORDERS.—In the case of violation or threatened violation of, or failure to obey, a temporary cease and desist order issued under section 5.26, the Farm Credit Administration may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the institution is located, for an injunction to enforce such order, and, if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.

"SEC. 5.28. SUSPENSION OR REMOVAL OF DIRECTOR OR OFFICER.—Whenever, in the opinion of the Farm Credit Administration, any director or officer of any institution in the Farm Credit System has committed any violation of law, rule, or regulation or of a cease and desist order that has become final, or has engaged or participated in any unsafe or unsound practice in connection with the institution or has committed or engaged in any act, omission, or practice which constitutes a breach of a fiduciary duty as such director or officer and the Farm Credit Administration determines that the institution has suffered or will probably suffer substantial financial loss or other damage or that the interests of its shareholders or investors in the Farm Credit System obligations could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty, or that the director or officer has received financial gain by reason of such violation or practice or breach of fiduciary duty, and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer, or one that demonstrates a willful or continuing disregard for the safety or soundness of the System institution, the Farm Credit Administration may serve upon such director or officer a written notice of its intention to remove him from office.

"(b) Whenever, in the opinion of the Farm Credit Administration, any director or officer of an institution in the Farm Credit System by conduct or practice with respect to another institution in the Farm Credit System or other business institution that resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for its safety and soundness and, in addition, has evidenced his unfitness to continue as a director or officer, and whenever, in the opinion of the Farm Credit Administration, any other person participating in the conduct of the affairs of an institution in the Farm Credit System by the conduct or practice with respect to such institution or other institution in the Farm Credit System or other business institution that resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for its safety and soundness and, in addition, has evidenced his unfitness to participate in the conduct of the affairs of such institution, the Farm Credit Administration may serve upon such director, officer, or other person a written notice of its intention to remove that director, officer, or other person from office or to prohibit his further participation in any manner in the conduct of the affairs of the institution.

"(c) In respect to any director or officer of an institution in the Farm Credit System or any other person referred to in subsection (b) of this section, the Farm Credit Administration may, if it deems it necessary for the protection of the institution or the interests of its shareholders and the investors in the Farm Credit

system obligations, by written notice to such effect served upon such director, officer, or other person, suspend such director, officer, or other person from office or prohibit such director, officer, or other person from further participation in any manner in the conduct of the affairs of the institution. Such suspension or prohibition shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by subsection (e) of this section, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under subsection (a) or (b) and until such time as the Farm Credit Administration shall dismiss the charges specified in such notice, or, if an order of removal or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the institution of which the person is a director or officer or in the conduct of whose affairs the person has participated.

(d) A notice of intention to remove a director, officer, or other person from office or to prohibit such director's, officer's, or other person's participation in the conduct of the affairs of an institution of the Farm Credit System, shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after the date of service of such notice, unless an earlier or a later date is specified by the Farm Credit Administration at the request of (1) such director or officer or other person, and for good cause shown, or (2) the Attorney General of the United States. Unless such director, officer, or other person shall appear at the hearing in person or by a duly authorized representative, such director, officer, or other person shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if not, upon the record made at any such hearing the Farm Credit Administration shall find that any of the grounds specified in such notice have been established, the Farm Credit Administration may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the institution, as it may deem appropriate. A copy of an order issued under this subsection shall be served upon the institution concerned. Any such order shall become effective at the expiration of thirty days after service upon such institution and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the agency or a reviewing court.

(e) Within ten days after any director, officer, or other person has been suspended from office or prohibited from participation in the conduct of the affairs of a System institution under subsection (d)(3) of this section, such director, officer, or other person may apply to the United States district court for the judicial district in which the principal office of the institution is located, or the United States district court for the District of Columbia, for a stay of either such suspension or prohibition, or both, pending the completion of the administrative proceedings pursuant to the notice served upon such director, officer, or other person under subsection (a) or (b), and such court shall have jurisdiction to stay either such suspension or prohibition, or both.

12 USC 2265.

"SEC. 5.29. SUSPENSION OR REMOVAL OF DIRECTOR OR OFFICER CHARGED WITH FELONY.—(a) Whenever any director or officer of an institution in the Farm Credit System, or other person participating in the conduct of the affairs of such institution, is charged in a criminal information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a crime involving dishonesty or breach of trust that is punishable by imprisonment for a term exceeding one year under State or Federal law, the Farm Credit Administration may, if continued service or participation by the individual may pose a threat to the interest of the institution's shareholders or the investors in the Farm Credit System obligations or may threaten to impair public confidence in the institution or Farm Credit System, by written notice served upon such director, officer, or other person, suspend such director, officer, or other person from office or prohibit such director, officer, or other person from further participation in any manner in the conduct of the affairs of the institution. A copy of such notice shall also be served upon the institution. Such suspension or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Farm Credit Administration. In the event that a judgment of conviction with respect to such crime is entered against such director, officer, or other person, and at such time as such judgment is not subject to further appellate review, the Farm Credit Administration may suspend continued service or participation by the individual if it poses a threat to the interests of the institution's shareholders or the investors in Farm Credit System obligations or may threaten to impair public confidence in the institution or the Farm Credit System, and may serve upon such director, officer, or other person an order removing such director, officer, or other person from office or prohibiting such director, officer, or other person from further participation in any manner in the conduct of the affairs of the institution except with the consent of the Farm Credit Administration. A copy of such order shall also be served upon such institution whereupon such director or officer shall cease to be a director or officer of such institution. A finding of not guilty or other disposition of the charge shall not preclude the Farm Credit Administration from thereafter instituting proceedings to remove such director, officer, or other person from office or to prohibit further participation in Farm Credit System affairs under section 5.28. Any notice of suspension or order of removal issued under this paragraph shall remain effective and outstanding until the completion of any hearing or appeal authorized under subsection (b) unless terminated by the Farm Credit Administration.

Ante, p. 1696.

"(b) Within thirty days from service of any notice of suspension or order of removal issued under subsection (a), the director, officer, or other person concerned may request in writing an opportunity to appear before the Farm Credit Administration to show that continued service to or participation in the conduct of the affairs of the institution by such individual does not, or is not likely to, pose a threat to the interest in Farm Credit System obligations. Upon receipt of any such request, the Farm Credit Administration shall fix a time (not more than thirty days after receipt of such request) unless extended at the request of the concerned director, officer, or other person) and place at which the director, officer, or other person may appear, personally or through counsel, before the Chairman of the Farm Credit Administration or designated employee

Farm Credit Administration to submit written materials (or, at discretion of the Farm Credit Administration, oral testimony) or oral argument. Within sixty days of such hearing, the Farm Credit Administration shall notify the director, officer, or other person whether the suspension or prohibition from participation in the conduct of the affairs of the institution will be continued, terminated, or otherwise modified, or whether the order removing such director, officer, or other person from office or prohibiting such individual from further participation in any manner in the conduct of the affairs of the institution will be continued or otherwise modified. Such notification shall contain a statement of the basis for the Farm Credit Administration's decision, if adverse to the director, officer, or other person. The Farm Credit Administration may prescribe such rules as may be necessary to effectuate the purposes of this subsection.

SEC. 5.30. HEARINGS AND JUDICIAL REVIEW.—(a) Any hearing provided for in this part (other than the hearing provided for in section 5.29) shall be held in the Federal judicial district or in the territory in which the home office of the institution is located unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. Such hearing shall be private, unless the Farm Credit Administration, in its discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest. After such hearing and within ninety days after the Farm Credit Administration notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this part. Judicial review of any such order shall be exclusively as provided in this subsection (g). Unless a petition for review is timely filed in a court of appeals of the United States, as hereinafter provided in subsection (b), and thereafter until the record in the proceeding has been filed as so provided, the Farm Credit Administration may at any time, upon such notice and in any manner as it shall deem proper, modify, terminate, or set aside such order. Upon such filing of the record, the Farm Credit Administration may modify, terminate, or set aside any such order without the permission of the court.

(b) Any party to the proceeding, or any person required by an order issued under this part to cease and desist from any of the activities or practices stated therein, may obtain a review of any order served under subsection (a) (other than an order issued without the consent of the System institution or the director or officer or other person concerned, or an order issued under section 5.29) by the filing in the court of appeals of the United States for the circuit in which the home office of the institution is located, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the date of service of such order, a written petition stating that the order of the Farm Credit Administration be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Farm Credit Administration, and thereupon the Farm Credit Administration shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the

12 USC 2266.

Ante, p. 1698.5 USC 500 *et seq.*

Record.

- filing of the record shall except as provided in the last sentence of subsection (a) be exclusive, to affirm, modify, terminate, or set aside in whole or in part, the order of the Farm Credit Administration. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28 of the United States Code.
- 5 USC 701 *et seq.* Prohibition. “(c) The commencement of proceedings for judicial review under subsection (b) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Farm Credit Administration.
- 12 USC 2267. “SEC. 5.31. JURISDICTION AND ENFORCEMENT.—The Farm Credit Administration may in its discretion apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the home office of the institution is located, for the enforcement of any effective and outstanding notice or order issued under this part, and such courts shall have jurisdiction and power to order and require compliance herewith; but except as otherwise provided in this part no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order under this part, or to review, modify, suspend, terminate, or set aside any such notice or order.
- 12 USC 2268. Prohibition. “SEC. 5.32. PENALTY.—(a) Any institution in the System that violates or any officer, director, employee, agent, or other person participating in the conduct of the affairs of such an institution who violates the terms of any order that has become final and was issued under section 5.25 or 5.26 of this Act, shall forfeit and pay a civil penalty of not more than \$1,000 per day for each day during which such violation continues, but the Farm Credit Administration may in its discretion, compromise, modify, or remit any civil money penalty that is subject to imposition or has been imposed under such authority. The penalty may be assessed and collected by the Farm Credit Administration by written notice.
- Ante*, pp. 1694, 1695. “(b) In determining the amount of the penalty, the Farm Credit Administration shall take into account the appropriateness of the penalty with respect to the size of financial resources and good faith of the System institution or person charged, the gravity of the violation, the history of previous violations, and such other matters as justice may require.
- “ (c) The System institution or person assessed shall be afforded an opportunity for a hearing by the Farm Credit Administration, upon request made within ten days after issuance of the notice of assessment. In such hearing all issues shall be determined on the record pursuant to section 554 of title 5 of the United States Code. The Farm Credit Administration determination shall be made by final order which may be reviewed only as provided in subsection (d). If no hearing is requested as herein provided, the assessment shall constitute a final and unappealable order.
- “ (d) Any System institution or person against whom an order imposing a civil money penalty has been entered after a Farm Credit Administration hearing under this section may obtain review by the United States court of appeals for the circuit in which the home office of the System institution is located, or the United States Court of Appeals for the District of Columbia Circuit, by filing a notice of appeal in such court within twenty days after the service of such order, and simultaneously sending a copy of such notice

registered or certified mail to the Farm Credit Administration. The Farm Credit Administration shall promptly certify and file in such court the record upon which the penalty was imposed, as provided in section 2112 of title 28 of the United States Code. The findings of the Farm Credit Administration shall be set aside if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5 of the United States Code.

“(e) If any System institution or person fails to pay an assessment after it has become a final and unappealable order, or after the court of appeals has entered final judgment in favor of the Farm Credit Administration, the Farm Credit Administration shall refer the matter to the Attorney General, who shall recover the amount assessed by action in the appropriate United States district court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

“(f) The Farm Credit Administration shall promulgate regulations establishing procedures necessary to implement sections 5.31 and 5.32.

Regulations.

“(g) All penalties collected under authority of this section shall be covered into the Treasury of the United States.

Ante, p. 1700.

“SEC. 5.33. FURTHER PENALTIES.—Any director or officer, or former director or officer of a System institution, or any other person, against whom there is outstanding and effective any notice or order (which is an order which has become final) served upon such director, officer, or other person under section 5.28 or 5.29 of this Act, and who (1) participates in any manner in the conduct of the affairs of the institution involved, or directly or indirectly solicits or procures, or transfers or attempts to transfer, or votes or attempts to vote, any proxies, consents, or authorizations in respect of any voting rights in such institution, or (2) without the prior written approval of the Farm Credit Administration, votes for a director, serves or acts as a director, officer, or employee of any System institution, shall upon conviction be fined not more than \$5,000 or imprisoned for not more than one year, or both.

12 USC 2269.

Ante, pp. 1696, 1698.

“SEC. 5.34. REPLACEMENT OF SUSPENDED OR REMOVED DIRECTORS.—If at any time, because of the suspension or removal of one or more directors pursuant to section 5.28 or 5.29 of this Act, there shall be on the board of directors of a System institution less than a quorum of directors not so suspended, the Chairman shall appoint persons to serve temporarily as directors in their place and stead so as to establish a quorum until such time as those who have been removed are reinstated or their respective successors are duly elected and take office.

12 USC 2270.

“SEC. 5.35. DEFINITIONS.—As used in this part—

12 USC 2271.

“(1) the terms ‘cease and desist order that has become final’ and ‘order which has become final’ mean a cease and desist order, or an order, issued by the Farm Credit Administration with the consent of the System institution or the director or officer or other person concerned, or with respect to which no petition for review of the action of the Farm Credit Administration has been filed and perfected in a court of appeals as specified in section 5.30(b) of this Act, or with respect to which the action of the court in which such petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in section 5.30(b) of this Act, or an order issued under section 5.29 of this Act;

Ante, p. 1699.

“(2) the term ‘violation’ includes without limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation;

“(3) the terms ‘institution in the System’, ‘System institution’ and ‘institution’ mean all institutions enumerated in section 1.2 of this Act, any service organization chartered under part D of title IV of this Act, and the Capital Corporation; and

Post, p. 1703.
12 USC 2211.

“(4) the term ‘unsafe or unsound practice’ shall have the meaning given to it by the Farm Credit Administration by regulations, rule, or order.

12 USC 2272.

“SEC. 5.36. NOTICE OF SERVICE.—Any service required or authorized to be made by the Farm Credit Administration under this section may be made by registered mail, or in such other manner reasonably calculated to give actual notice as the Farm Credit Administration may by regulation or otherwise provide. Any such service by mail is complete upon mailing. Copies of any notice or order served by the Farm Credit Administration on any association or any director or officer thereof or other person participating in the conduct of its affairs, under the provisions of this part, shall also be sent to the supervisory bank.

Crimes and
misdemeanors.
12 USC 2273.

“SEC. 5.37. ANCILLARY PROVISIONS; SUBPENA POWER; ETC.—In the course of or in connection with any proceeding under this part or any examination or investigation under this Act, the Farm Credit Administration or any designated representative thereof, including any person designated to conduct any hearing under this part, shall have the power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpoenas and subpoenas duces tecum; and the Farm Credit Administration is empowered to make rules and regulations with respect to any such proceedings, claims, examinations, or investigations. The attendance of witnesses and the production of documents provided for in this section may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place where such proceeding is being conducted. The Farm Credit Administration or any party to proceedings under this part may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this part, and such courts shall have jurisdiction and power to order and require compliance therewith. Witnesses subpoenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Any court having jurisdiction of any proceeding instituted under this part by a System institution or a director or officer thereof, may allow to any such party such reasonable expenses and attorneys’ fees as it deems just and proper; and such expenses and fees shall be paid by the System institution or from its assets. Any person who willfully shall fail or refuse to attend or testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in such person’s power so to do, in obedience to the subpoena of the Farm Credit Administration, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of no

more than \$1,000 or to imprisonment for a term of not more than one year or both.”.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 205. (a)(1) Title V of the Farm Credit Act of 1971 is further amended by inserting after section 5.37, as added by section 204, the following heading:

Ante, p. 1702.

“PART D—MISCELLANEOUS”.

(2) Sections 5.26, 5.27, 5.28, 5.29, and 5.30 of the Farm Credit Act of 1971 are redesignated as sections 5.40, 5.41, 5.42, 5.43, and 5.44, respectively.

5 USC 5314,
5315.
12 USC 393, 2001
notes, 2260, 2275.
12 USC 2096.

(b) Section 2.15 of the Farm Credit Act of 1971 is amended by—

(1) in the first sentence of subsection (a)—

(A) striking out “rules and regulations” and inserting in lieu thereof “standards”; and

(B) striking out “and approved by the Farm Credit Administration”;

(2) in the first sentence of subsection (b)—

(A) striking out “regulations” and inserting in lieu thereof “standards”; and

(B) striking out “with the approval of the Farm Credit Administration as provided in” and inserting in lieu thereof “subject to the provisions of”; and

(3) in the last sentence of subsection (b)—

(A) striking out “regulations” and inserting in lieu thereof “standards”; and

(B) striking out “or of Farm Credit Administration”.

(c) Section 1.2 of the Farm Credit Act of 1971 is amended by striking out “supervision of” and inserting “regulation by” in lieu thereof.

12 USC 2002.

(d) Title I of the Farm Credit Act of 1971 is amended by—

(1) in section 1.4—

(A) striking out “supervision” in the matter preceding paragraph (1) and inserting in lieu thereof “regulation”;

(B) in paragraph (17), striking out “vested in or delegated to the bank”;

(C) striking out paragraph (19); and

(D) redesignating paragraphs (20), (21), (22), and (23) as paragraphs (19), (20), (21), and (22), respectively;

(2) in section 1.5(d), striking out “to the Governor of the Farm Credit Administration,”;

12 USC 2012.

12 USC 2013.

(3) in section 1.5(e)—

(A) striking out the first sentence; and

(B) striking out “other” in the second sentence;

(4) in section 1.13—

(A) striking out “GOVERNOR” in the section heading and inserting in lieu thereof “FARM CREDIT ADMINISTRATION”;

(B) striking out “the Governor of” in the seventh sentence;

(C) striking out “Governor” each place that word appears in the eighth, ninth, and tenth sentences and inserting in lieu thereof “Farm Credit Administration”; and

(D) striking out “him” and “he” in the tenth sentence and inserting in lieu thereof, in both instances, “the Farm Credit Administration”;

12 USC 2031.

- 12 USC 2033. (5) in section 1.15—
 (A) inserting “the regulation” before “of the Farm Credit Administration” in the matter preceding paragraph (1); and
 (B) striking out “or delegated to” in paragraph (12);
- 12 USC 2051. (6) in section 1.17(b)—
 (A) striking out paragraph (2); and
 (B) redesignating paragraph (3) as paragraph (2); and
- 12 USC 2054. (7) in section 1.20, striking out “the Governor of the Farm Credit Administration”.
- 12 USC 2072. (e) Title II of the Farm Credit Act of 1971 is amended by—
 (1) in section 2.1—
 (A) striking out “supervision of” in the matter preceding paragraph (1) and inserting in lieu thereof “regulation by”;
 (B) striking out “vested in or delegated to the intermediate credit bank” in paragraph (14); and
 (C) striking out paragraph (21);
- 12 USC 2073. (2) in the first sentence of section 2.2(d), striking out “the Governor of the Farm Credit Administration, and may”;
 (3) in section 2.2(f)—
 (A) striking out “Dividends” and all that follows through “noncumulative” and inserting “Noncumulative” in lieu thereof in the first sentence; and
 (B) striking out “, when the Governor of the Farm Credit Administration holds no stock in the bank,” in the second sentence;
- (4) in section 2.2(g), striking out “After all stock held” and all that follows through “other stock” and inserting in lieu thereof “The bank may retire stock”;
 (5) in section 2.2(h), striking out “Governor” and inserting in lieu thereof “Farm Credit Administration”;
- 12 USC 2074. (6) in the first sentence of section 2.3(c)—
 (A) striking out “(a)(1) and (2)” and inserting in lieu thereof “(a)(2)”; and
 (B) striking out “(in the case of financing institutions under subsection (a)(2) of this section)”;
- 12 USC 2077. (7) striking out subsections (a) and (b) of section 2.6;
 (8) in section 2.6(c), by striking out “If, at” and all that follows through “the net earnings of such bank” and inserting in lieu thereof “At the end of each fiscal year, the net earnings of each Federal intermediate credit bank”;
- 12 USC 2078. (9) in the first sentence of section 2.7, striking out “, of all the stock held by the Governor of the Farm Credit Administration at par; third”;
- 12 USC 2091. (10) in section 2.10—
 (A) striking out “the Governor of” in the sixth sentence;
 (B) striking out “Governor” in the seventh sentence and inserting in lieu thereof “Farm Credit Administration”;
 (C) striking out “Governor” in the eighth sentence and inserting in lieu thereof “Farm Credit Administration”; and
 (D) in the ninth sentence—
 (i) striking out “Governor” and inserting in lieu thereof “Farm Credit Administration”; and
 (ii) striking out “him” and “he” and inserting in lieu thereof in both places “Farm Credit Administration”;
- 12 USC 2093. (11) in section 2.12—

- (A) in the matter preceding paragraph (1), inserting “regulation by” before “the Farm Credit Administration”; and
- (B) striking out “or the Farm Credit Administration” in paragraph (19);
- (12) in section 2.13(c), striking out “the Governor of the Farm Credit Administration and”; 12 USC 2094.
- (13) in section 2.13(d)—
- (A) striking out “to the Governor and”; and
- (B) striking out “, except that all” and all that follows through “voting hereunder”.
- (14) in section 2.13(j), striking out “the Governor or”; 12 USC 2095.
- (15) in section 2.14(b), striking out “, except that when the Governor” and all that follows through “Administration”; and 12 USC 2098.
- (16) striking out the last two sentences of section 2.17. 12 USC 2098.
- (e) Title III of the Farm Credit Act of 1971 is amended by—
- (1) in section 3.1— 12 USC 2122.
- (A) in the matter preceding paragraph (1), striking out “supervision” and inserting in lieu thereof “regulation”;
- (B) in paragraph (13)(A), inserting “under regulations issued” after “authorized”;
- (C) striking out paragraph (16); and
- (D) redesignating paragraphs (17), (18), and (19) as paragraphs (16), (17), and (18), respectively;
- (2) in section 3.2(a), striking out “Governor with the advice and consent of the Federal Farm Credit Board”; and inserting in lieu thereof “Farm Credit Administration”; 12 USC 2123.
- (3) in section 3.3(d), inserting “under regulations issued by” after “authorized”; 12 USC 2124.
- (4) in section 3.3(e), striking out “, except for stock held by the Governor,”. 12 USC 2125.
- (5) in section 3.4, striking out “the Governor of”; 12 USC 2125.
- (6) in section 3.5— 12 USC 2126.
- (A) striking out the first sentence and all that follows through “nonvoting” in the second sentence and inserting “Nonvoting” in lieu thereof; and
- (B) in the fourth sentence, striking out “When the requirements of section 4.0(b) have been met, voting” inserting in lieu thereof “Voting”; Ante, p. 1678.
- (7) striking out subsection (a) of section 3.11; 12 USC 2132.
- (8) in section 3.11—
- (A) in subsection (b), striking out “Whenever” and all that follows through “Administration, the net” and inserting in lieu thereof “At the end of each fiscal year, the net”; and
- (B)(i) in subsection (c), striking out “subsection (a) or (b)” and inserting “subsection (b)” in lieu thereof; and
- (ii) in subsection (d), striking out “subsection (a) or (b)” and inserting “subsection (b)” in lieu thereof;
- (9) in section 3.12— 12 USC 2133.
- (A) striking out “, any stock held by the Governor of the Farm Credit Administration at par”; and
- (B) striking out “stock held by the Governor of the Farm Credit Administration,”; and
- (10) striking out the last two sentences of section 3.13. 12 USC 2134.
- (f) Title IV of the Farm Credit Act of 1971 is further amended by— 12 USC 2153.
- (1) in section 4.2—

- (A) in the matter preceding subsection (a), striking out “supervision of” and inserting in lieu thereof “regulation by”;
- (B) in subsection (b)—
- (i) striking out “4.3(b)” and inserting in lieu thereof “4.3(c)”; and
 - (ii) striking out “Governor” and inserting in lieu thereof “Farm Credit Administration”;
- (C) in subsection (c), striking out “Governor” and inserting in lieu thereof “Farm Credit Administration”; and
- (D) in subsection (d)—
- (i) striking out “Governor” in the first sentence and inserting in lieu thereof “Farm Credit Administration”; and
 - (ii) in the second sentence, striking out “Governor” each place it appears and inserting in lieu thereof “Farm Credit Administration”;
- Arzte*, p. 1679. (2) in section 4.4(b)—
- (A) striking out “Governor to execute” in the first sentence and inserting in lieu thereof “execution of”; and
 - (B) striking out “by the Governor” in the second sentence;
- 12 USC 2156. (3) in section 4.5, striking out “Governor” in the fourth sentence and inserting in lieu thereof “Farm Credit Administration”;
- 12 USC 2182. (4) in the second sentence of section 4.11, striking out “Governor with the advice and consent of the Federal Farm Credit Board” and inserting in lieu thereof “Farm Credit Administration”;
- 12 USC 2183. (5) in section 4.12(a), striking out “Federal Farm Credit Board” in the third sentence and inserting in lieu thereof “Farm Credit Administration”;
- 12 USC 2205. (6) in the first sentence of section 4.17, inserting “, as provided in section 5.17(a)(5) of this Act,” after “with the approval of”;
- 12 USC 2206. (7) in section 4.18, inserting “under regulations issued” after “authorized”;
- 12 USC 2211. (8) in section 4.25—
- (A) striking out “the Governor of” in the second sentence;
 - (B) striking out “Governor” in the third sentence and inserting in lieu thereof “Farm Credit Administration”;
- and
- (C) striking out “Governor” in the fourth sentence and inserting in lieu thereof “Farm Credit Administration”;
- 12 USC 2212. (9) in section 4.26—
- (A) striking out “GOVERNOR” in the section heading and inserting in lieu thereof “FARM CREDIT ADMINISTRATION”;
 - (B) striking out “Governor” wherever that word appears in the text and inserting in lieu thereof “Farm Credit Administration”;
 - (C) striking out “he” in the first sentence and inserting in lieu thereof “the Farm Credit Administration”; and
- 12 USC 2213. (10) in section 4.27, striking out “supervision” and inserting in lieu thereof “regulation”.
- (g) Title V of the Farm Credit Act of 1971 is further amended by—
- 12 USC 2221. (1) in section 5.0—
- (A) striking out “Federal Farm Credit Board” in the first and second sentences and inserting in lieu thereof “Farm Credit Administration”; and

- (B) striking out “5.18(2)” in the third sentence and inserting in lieu thereof “5.17(2)”;
- (2) in section 5.1(b), striking out “Federal Farm Credit Board” and inserting in lieu thereof “Farm Credit Administration Board”;
- (3) in section 5.2(a), striking out “Governor with the advice and consent of the Federal Farm Credit Board” and inserting in lieu thereof “Farm Credit Administration Board”;
- (4) in section 5.2(d), striking out “sections 5.1 and 5.2” and inserting in lieu thereof “section 5.1 and this section”;
- (5) in section 5.6(a), striking out “supervision of” in paragraph (5) and inserting in lieu thereof “regulation by”;
- (6) in section 5.15(b), as so redesignated by section 201(5)—
- (A) striking out “said Administration” both places that phrase appears in the first sentence and inserting in lieu thereof “the Farm Credit Administration”; and
- (B) striking out “the Administration” and “such Administration” in the second sentence and inserting in lieu thereof “the Farm Credit Administration”.
- 12 USC 2222.
- 12 USC 2223.
- 12 USC 2227.
- Ante*, p. 1690.
12 USC 2250.

TITLE III—PROTECTION FOR FARMERS AND OTHER FARM CREDIT SYSTEM BORROWERS

DISCLOSURE AND ACCESS TO INFORMATION

- SEC. 301. (a) Section 4.13 of the Farm Credit Act of 1971 is redesignated as section 4.13B.
- (b) The Farm Credit Act of 1971 is amended by inserting before section 4.13B, as so redesignated by subsection (a), the following:
- “SEC. 4.13. DISCLOSURE.—(a) In accordance with regulations of the Farm Credit Administration, System institutions shall provide to their borrowers, for all loans that are not subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.), meaningful and timely disclosure of the following:
- “(1) the current rate of interest on the loan;
- “(2) in the case of an adjustable or variable rate loan, the amount and frequency by which the interest rate can be increased during the term of the loan or, if there are no such limitations, a statement to that effect, and the factors (including, but not limited to, the cost of funds, operating expenses, and provision for loan losses) that will be taken into account by the lending institution in determining adjustments to the interest rate;
- “(3) the effect, as shown by a representative example or examples, of the required purchase of stock or participation certificates in the institution on the effective rate of interest; and
- “(4) any change in the interest rate applicable to the borrower’s loan.
- “(b) In accordance with regulations of the Farm Credit Administration, System institutions shall develop a policy governing forbearance. Each System institution shall provide borrowers with a copy of the institution’s policy regarding forbearance at such time or times as the Farm Credit Administration shall prescribe in such regulations.
- “SEC. 4.13A. ACCESS TO DOCUMENTS AND INFORMATION.—In accordance with regulations of the Farm Credit Administration, System
- 12 USC 2201.
- 12 USC 2001 note.
- 12 USC 2199.
- 12 USC 2200.

institutions shall provide their borrowers, at the time of execution of loans, copies of all documents signed by the borrower and at any time thereafter, on a borrower's request, copies of all documents signed or delivered by the borrower and at any time, on request, copy of the institution's articles of incorporation or charter and bylaws."

NOTICE ON APPLICATIONS

Ante, p. 1707.

SEC. 302. Section 4.13B of the Farm Credit Act of 1971, as redesignated by section 301(a), is amended by (1) inserting "written" before "notice" and (2) inserting, before the period at the end thereof, the following: ", and of the applicant's right to review under section 4.14"

Infra.

RECONSIDERATION

SEC. 303. Section 4.14 of the Farm Credit Act of 1971 is amended to read as follows:

12 USC 2202.

"SEC. 4.14. RECONSIDERATION OF ACTION ON LOAN APPLICATION.—The board of directors of each Farm Credit System institution shall establish one or more credit review committee(s), which shall include farmer board representation. Any loan applicant who has received written notice, under section 4.13, of a decision to deny or reduce the loan applied for, if the applicant so requests in writing within thirty days after receiving such notice, may obtain a review of such decision in person before the credit review committee. When a loan applicant requests review of an adverse credit decision, a majority of persons serving on such reviews committee must be persons who were not involved in making the adverse decision. Promptly after any such review, the applicant shall be notified in writing of the credit review committee's decision and the reasons therefor."

Ante, p. 1707.

NOTICE WITH RESPECT TO STOCKHOLDERS ON LOAN DEFAULT

12 USC 2034.

SEC. 304. (a) The sixth sentence of section 1.16(a) of the Farm Credit Act of 1971 is amended by inserting, before the period at the end thereof, the following: "and on written notice to the stockholder"

12 USC 2094.

(b) Section 2.13(k) of the Farm Credit Act of 1971 is amended by inserting, before the period at the end thereof, the following: ", on written notice to the borrower and approval by the bank of such retirement"

MINIMIZING THE ADVERSE EFFECT ON BORROWERS OF SYSTEM INSTITUTION INSOLVENCY

Regulations.
Ante, p. 1679.

SEC. 305. (a) Section 4.12(a) of the Farm Credit Act of 1971 is amended by inserting, immediately after the first sentence, the following: "In the case of a voluntary liquidation of an association such regulations, among other things, shall direct the supervising bank to institute such measures as it deems appropriate to minimize the adverse effect of the liquidation on those borrowers whose loans are purchased by or otherwise transferred to another System institution."

(b) Section 4.12 of the Farm Credit Act of 1971 is amended by inserting after the subsection (b) added by section 102, the following:

“(c) In the case of an involuntary liquidation of an association, regulations of the Farm Credit Administration, among other things, shall direct the supervising bank to institute such measures as it seems appropriate to minimize the adverse effect of the liquidation on those borrowers whose loans are purchased by or otherwise transferred to another System institution.”.

Regulations.

MINERAL RIGHTS LIMITATION

SEC. 306. The Farm Credit Act of 1971 is amended by adding at the end of title IV the following:

Real property.
Prohibitions.

“PART F—MISCELLANEOUS

“SEC. 4.35. LIMITATION ON SEPARATE SALE.—If real property is acquired by any institution of the Farm Credit System through foreclosure, no institution of the Farm Credit System shall sell the surface rights to that real property to any person unless the institution also sells all mineral rights to that real property to that person.

12 USC 2219.

“SEC. 4.36. LIMITATION ON SALE OF TRACTS OF REAL ESTATE.—No institution of the Farm Credit System shall sell any real property that previously served as security for a loan in a tract larger than a normal family size farm in the vicinity of the property for less than the amount it can receive from the Capital Corporation.”.

12 USC 2219a.

LOAN REVIEW

SEC. 307. Each local lending institution of the Farm Credit System established under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) shall—

12 USC 2001
note.

(1) review each loan that has been placed in non-accrual status by such institution to determine whether such loan may be restructured based on changes in the circumstances of such institution as the result of this Act and the amendments made by this Act; and

(2) notify in writing the borrower of each such loan of the provisions of this section.

TITLE IV—IMPLEMENTATION PROCEDURES

EFFECTIVE DATE

SEC. 401. The provisions of titles I, II, III, and VI of this Act shall become effective thirty days after enactment.

Ante, pp. 1678,
1688, 1707;
post, p. 1711.
12 USC 2001
note.

INTERIM IMPLEMENTATION

SEC. 402. (a) Until the Chairman of the Farm Credit Administration Board provided for under the amendment made by section 201(1) of this Act is appointed by the President and confirmed by the Senate, the Governor of the Farm Credit Administration, under the Farm Credit Act of 1971 as in effect on the day before the date of enactment of this Act, shall perform the functions of the Chairman prescribed for the Chairman by this Act.

12 USC 2241
note.*Ante*, p. 1688.12 USC 2001
note.

(b)(1) Except as provided in paragraph (2), until at least two members of the Farm Credit Administration Board provided under the amendment made by section 201(1) of this Act are appointed by the President and confirmed by the Senate, the Governor of the

12 USC 2001
note.

Farm Credit Administration, under the Farm Credit Act of 1971 as in effect on the day before the date of enactment of this Act, shall perform the functions of the Farm Credit Administration Board prescribed for such Board by this Act.

(2) When the Chairman of such Board is so appointed and confirmed, the Chairman shall assume any responsibilities and powers of the Board being exercised by the Governor under this subsection.

(c) In carrying out the duties and functions specified in subsections (a) and (b), the Governor of the Farm Credit Administration shall serve at the pleasure of the President.

Regulations.

(d) All regulations of the Farm Credit Administration or the institutions of the System, and all charters, bylaws, resolutions, stock classifications, and policy directives issued or approved by the Farm Credit Administration, and all elections held and appointments made under the Farm Credit Act of 1971, before the date of enactment of this Act, shall be continuing and remain valid until superseded, modified, or replaced under the authority of this Act.

SENSE OF CONGRESS

SEC. 403. It is the sense of Congress that the pressing needs of the Farm Credit System and the United States agricultural industry require the implementation of this Act as soon as practicable, and that the President should ensure that the members of the Farm Credit Administration Board constituted under section 201(1) are appointed not later than thirty days after enactment of this Act.

Ante, p. 1709.

TITLE V—NATIONAL COMMISSION ON AGRICULTURAL FINANCE

President of U.S.
12 USC 2001
note.

SEC. 501. (a) The President shall appoint a National Commission on Agricultural Finance. Such Commission shall be comprised of 15 members, of whom 7 shall be appointed by the President and 4 each by the Speaker of the House of Representatives and the President pro tempore of the Senate. The Commission shall consist of representatives of the financial community, the agricultural sector, and government.

Study.

(b) The National Commission on Agricultural Finance shall conduct a study of methods to ensure the availability of adequate credit to agricultural producers and agribusiness, taking into account the long-term financing needs of the agricultural economy; the roles of the commercial banks, the Farm Credit System, and the Farmers Home Administration in meeting those financial needs.

(c) In conducting such study, the National Commission on Agricultural Finance shall—

(1) evaluate the financial circumstances relative to both lenders and borrowers of farm credit;

(2) evaluate the structure, performance, and conduct of private lenders—commercial bankers and the Farm Credit System—and public lenders;

(3) explore the need for long-term assistance in stabilizing the value of agricultural assets; and

(4) evaluate the effect on suppliers, producers, processors, and local communities when financial institutions fail.

Report.

(d) Not later than one year after the date of enactment of this Act, the Commission shall submit a report containing the results of the study required by this section, together with comments and rec-

recommendations for legislation providing for a sound, reasonable, and primarily self-supporting credit program for farmers and ranchers if the Commission considers appropriate, to Congress.

(e) The Commission shall be comprised of volunteers and no Federal funds shall be expended by the Commission.

TITLE VI—MISCELLANEOUS AMENDMENTS

SEC. 601. Section 1.5 of the Farm Credit Act of 1971 is amended by adding at the end the following: 12 USC 2013.

“(h) Nothing in this section limits the power of the Farm Credit Administration to provide general direction to Federal land banks with regard to the payment of dividends and patronage refunds.”.

SEC. 602. Subsection (a) of section 1.17 of the Farm Credit Act of 1971 is amended to read as follows: 12 USC 2051.

“(a) Federal land banks shall be required to carry a reserve account. Such reserve account shall be kept in accordance with standards set by the Farm Credit Administration.”.

SEC. 603. Section 1.18 of the Farm Credit Act of 1971 is amended 12 USC 2052.

— (1) amending subsection (a) to read as follows:

“(a) Federal land bank associations shall be required to carry a reserve account. Such reserve account shall be kept in accordance with standards set by the Farm Credit Administration.”; and

(2) adding at the end of subsection (b) the following: “Nothing in this subsection limits the power of the Farm Credit Administration to provide general direction to Federal land bank associations with regard to the payment of dividends and patronage refunds.”.

SEC. 604. Subsection (f) of section 2.2 of the Farm Credit Act of 1971 is amended by adding at the end thereof the following: “Federal intermediate credit banks shall be subject to the general direction of the Farm Credit Administration with regard to the payment of dividends.”. *Ante*, p. 1704.
12 USC 2073.

SEC. 605. Section 2.14 of the Farm Credit Act of 1971 is amended 7— *Ante*, p. 1705.
12 USC 2095.

(1) striking out the parenthetical matter in subsection (a) and inserting in lieu thereof the following: “(including provision for valuation reserves against loan assets in an amount equal to one-half of 1 percent of the loans outstanding at the end of the fiscal year to the extent that such earnings in such year in excess of other operating expenses permit, or in such greater amounts as are deemed necessary under generally accepted accounting principles, until such reserves equal or exceed 3½ percent of the loans outstanding at the end of the fiscal year, beyond which 3½ percent further additions to such reserves may be made, if deemed necessary under generally accepted accounting principles)”;

(2)(A) in the first sentence of subsection (b), striking out “so provide,” and inserting in lieu thereof “so provide and subject to the general directions of the Farm Credit Administration,”; and

(B) in the second sentence of subsection (b), striking out “Any” and inserting in lieu thereof “In accordance with the foregoing, any”.

SEC. 606. Section 3.4 of the Farm Credit Act of 1971 is amended by adding before the period at the end thereof the following: “, subject to the general direction of the Farm Credit Administration”. *Ante*, p. 1705.
12 USC 2125.

Ante, p. 1707.

SEC. 607. Section 5.2 of the Farm Credit Act of 1971 (12 U.S.C. 2223) is amended—

(1) by striking out “; APPOINTMENT” in the caption;

(2) in subsection (a)—

(A) by designating the first and second sentences as paragraphs (1) and (2), respectively; and

(B) by amending paragraph (2) (as so designated) to read as follows:

“(2)(A) The seventh member shall be elected by the borrowers at large in a district.

“(B) For purposes of this section, the term ‘borrowers at large in a district’ means—

“(i) a voting shareholder of a Federal land bank association and a direct borrower, and a borrower through an agency, from a Federal land bank;

“(ii) a voting shareholder of a production credit association; and

“(iii) a voting shareholder or subscriber to the guaranty fund of a bank for cooperatives.”;

(3) in the second sentence of subsection (b)—

(A) by striking out “and” before “in the case”; and

(B) by inserting before the period at the end thereof the following: “; and in the case of an election by the borrowers at large, such notice shall be sent to all borrowers at large in the district”; and

(4) by inserting after the fifth sentence of subsection (c) the following new sentence: “Each borrower at large shall be entitled to cast one vote.”.

Approved December 23, 1985.

LEGISLATIVE HISTORY—S. 1884 (H.R. 3792):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 3, considered and passed Senate.

Dec. 10, considered and passed House, amended.

Dec. 17, Senate concurred in House amendment with amendments.

Dec. 18, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 21, No. 52 (1985):

Dec. 23, Presidential statement.

Public Law 99-206
99th Congress

Joint Resolution

To authorize and request the President to designate September 21, 1986, as “Ethnic American Day”.

Dec. 23, 1985

[S.J. Res. 32]

Whereas the United States of America is a haven for victims of religious and political persecution and for those who seek freedom and opportunity;

Whereas the United States of America has welcomed oppressed and deprived persons and granted them refuge and citizenship;

Whereas ethnic Americans love the United States of America and have shed their blood in defense of America and its freedoms;

Whereas ethnic Americans have made outstanding contributions in the fields of agriculture, labor, arts, science, medicine, business, and government, and to the quality of life in these United States; and

Whereas designation of an “Ethnic American Day” would contribute to a greater appreciation of the rich ethnic heritage of this Nation and to the unity of all its people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate September 21, 1986, as “Ethnic American Day” and to call upon the people of the United States to acknowledge and advance mutual understanding and friendship among all Americans regardless of their ethnicity.

Approved December 23, 1985.

LEGISLATIVE HISTORY—S.J. Res. 32:

CONGRESSIONAL RECORD, Vol. 131 (1985):

May 16, considered and passed Senate.

Dec. 12, considered and passed House.

Public Law 99-207
99th Congress

Joint Resolution

Dec. 23, 1985

[S.J. Res. 70]

To proclaim March 20, 1986, as "National Agriculture Day".

Whereas agriculture is the Nation's most basic industry, and its associated production, processing, and marketing segments together provide more jobs than any other single industry; and Whereas the productivity of American agriculture is a vital ingredient in our strength as a Nation, both domestically and on the world scene; and

Whereas to maintain a healthy agriculture it is necessary that all Americans should understand how agriculture affects their lives and well-being, and should be aware of their personal stake in an abundant food and fiber supply: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 20, 1986, is hereby proclaimed "National Agriculture Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

Approved December 23, 1985.

LEGISLATIVE HISTORY—S.J. Res. 70:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Mar. 28, considered and passed Senate.

Dec. 3, considered and passed House, amended.

Dec. 11, Senate concurred in House amendments.

Public Law 99-208
99th Congress

Joint Resolution

To designate January 19 through January 25, 1986, "National Jaycee Week".

Dec. 23, 1985

[S.J. Res. 213]

Whereas the United States Jaycees and its affiliated State and local organizations, have set aside the week of January 19 through January 25, 1986, to observe the founding of the Jaycees sixty-six years ago; and

Whereas the civic bodies and service organizations of our community and the departments of government recognize the contributions to the United States by the Jaycees; and

Whereas this organization of young people has contributed materially to the betterment of the United States through such programs as Individual Development and Community Service for the past year; and

Whereas more than two hundred and sixty-eight thousand Jaycees in six thousand five hundred and fifty chapters in our fifty States serve this time honored ideal in a modern setting, dedicating their free time to faith, brotherhood, and freedom, and the service of their fellow citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of January 19 through January 25, 1986, is designated as "National Jaycee Week". The President is requested to issue a proclamation calling upon the people of the United States for the observance of this week with appropriate ceremonies and activities.

Approved December 23, 1985.

LEGISLATIVE HISTORY—S.J. Res. 213:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Nov. 4, considered and passed Senate.

Dec. 12, considered and passed House.

Public Law 99-209
99th Congress

An Act

Dec. 23, 1985

[H.R. 729]

Panama Canal
Amendments
Act of 1985.
22 USC 3601
note.

To amend the Panama Canal Act of 1979 in order that claims for vessels damaged outside the locks may be resolved in the same manner as those vessels damaged inside the locks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Panama Canal Amendments Act of 1985".

SEC. 2. FILING CLAIMS FOR DAMAGES.

(a) INJURIES IN LOCKS OF CANAL.—Section 1411 of the Panama Canal Act of 1979 (22 U.S.C. 3771) is amended—

(1) in the first sentence—

(A) by striking out "The" and inserting in lieu thereof "(a) Subject to subsection (b) of this section, the"; and

(B) by striking out "under the control of officers or employees of the United States" and inserting in lieu thereof "when the injury was proximately caused by negligence or fault on the part of an officer or employee of the United States acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal";

(2) by striking out the second sentence; and

(3) by adding at the end thereof the following new sentence:

"No payment for damages on a claim may be made under this section unless the claim is filed with the Commission within 2 years after the date of the injury, or within 1 year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later."

Supra.

(b) VESSELS WITHOUT PILOTS IN LOCKS OF CANAL.—Section 1411 of the Panama Canal Act of 1979 is amended by adding at the end thereof the following:

"(b)(1) With respect to a claim under subsection (a) for damages for injuries to a vessel or its cargo, if, at the time the injuries were incurred, the navigation or movement of the vessel was not under the control of a Panama Canal pilot, the Commission may adjust and pay the claim only if the amount of the claim does not exceed \$50,000, unless the injuries were caused by another vessel under the control of a Panama Canal pilot.

"(2) The provisions of subsections (c) through (e) of section 1401 of this Act shall apply to any claim described in paragraph (1)."

(c) INJURIES OUTSIDE LOCKS.—Section 1412 of the Panama Canal Act of 1979 (22 U.S.C. 3772) is amended—

(1) in the first sentence by striking out ", and when the amount of the claim does not exceed \$120,000"; and

(2) by adding at the end thereof the following new sentence:
"No payment for damages on a claim may be made under this

22 USC 3761.

section unless the claim is filed with the Commission within 2 years after the date of the injury, or within 1 year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later.”.

EC. 3. DELAYS FOR MARINE ACCIDENT INVESTIGATIONS.

Section 1414(6) of the Panama Canal Act of 1979 (22 U.S.C. 3774(6)) amended to read as follows:

“(6) investigation of a marine accident that is conducted within 24 hours after the accident occurs, except that any liability of the Commission beyond that 24-hour period shall be limited to the extent to which the accident was caused, or contributed to, by the negligence of an employee of the Commission acting within the scope of the employee’s official duties; or”.

EC. 4. SETTLEMENT OF CLAIMS.

Section 1415 of the Panama Canal Act of 1979 (22 U.S.C. 3775) is amended—

(1) in subsection (a)—

(A) by striking out “(a)”;

(B) by striking out “Subject to subsection (b) of this section, the” and inserting in lieu thereof “The”; and

(C) by amending the second sentence to read as follows: “Such amounts may be paid only out of money appropriated or allotted for the maintenance and operation of the Panama Canal.”; and

(2) by striking out subsection (b).

EC. 5. ACTIONS ON CLAIMS.

Section 1416 of the Panama Canal Act of 1979 (22 U.S.C. 3776) is amended—

(1) in the first sentence by striking out “1411” and inserting in lieu thereof “1411(a) or 1412”;

(2) by amending the third sentence to read as follows: “Any judgment obtained against the Commission in an action under this subchapter may be paid only out of money appropriated or allotted for the maintenance and operation of the Panama Canal.”; and

(3) by adding at the end thereof the following new sentences: “Any action on a claim under this section shall be barred unless the action is brought within one year after the date on which the Commission mails to the claimant written notification of the Commission’s final determination with respect to the claim, or within one year after the date of the enactment of the Panama Canal Amendments Act of 1985, whichever is later. Attorneys appointed by the Commission shall represent the Commission in any action arising under this subchapter.”.

22 USC 3771,
3772.

EC. 6. INSURANCE.

(a) IN GENERAL.—Subchapter II of chapter 4 of title I of the Panama Canal Act of 1979 is amended by adding at the end thereof the following new section:

“INSURANCE

22 USC 3779.

“SEC. 1419. The Commission is authorized to purchase insurance to protect the Commission against major and unpredictable revenue losses or expenses arising from catastrophic marine accidents.”.

(b) **CONFORMING AMENDMENT.**—The table of contents of the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1418 the following new item:

“1419. Insurance.”.

22 USC 3771
note.**SEC. 7. APPLICABILITY OF ACT.**

(a) **RETROACTIVE APPLICABILITY.**—The amendments made by subsections (a) and (c) of section 2, and the amendments made by sections 4 and 5 of this Act, shall apply to any claim arising on or after October 1, 1979.

(b) **FUTURE APPLICABILITY.**—

(1) **SECTIONS 3 AND 6.**—The amendments made by sections 3 and 6 of this Act shall apply to any claim arising on or after the date of the enactment of this Act.

(2) **SECTION 2 (b).**—The amendment made by subsection (b) of section 2 shall apply to any claim arising from an incident occurring on or after the date of the enactment of this Act.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 729:

HOUSE REPORT No. 99-184 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 99-206 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 131 (1985):

July 22, considered and passed House.

Dec. 11, considered and passed Senate.

Public Law 99-210
99th Congress

An Act

Designating the United States Post Office Building located at 300 Packerland Drive, Green Bay, Wisconsin, as the “John W. Byrnes Post Office and Federal Building”.

Dec. 23, 1985

[H.R. 2694]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building located at 300 Packerland Drive, Green Bay, Wisconsin, shall hereafter be known and designated as the “John W. Byrnes Post Office and Federal Building”. Any reference to such building in any law, map, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the “John W. Byrnes Post Office and Federal Building”.

Public buildings
and grounds.

Approved December 23, 1985.

LEGISLATIVE HISTORY—H.R. 2694:

CONGRESSIONAL RECORD, Vol. 131 (1985):

July 8, considered and passed House.

Dec. 13, considered and passed Senate.

Public Law 99-211
99th Congress

An Act

Dec. 26, 1985

[H.R. 2391]

To authorize the Administrator of General Services to collect additional contributions of money provided to him by private individuals or organizations for the Nancy Hanks Center.

Public buildings
and grounds.

97 Stat. 3.

97 Stat. 957.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Act entitled “An Act to designate a ‘Nancy Hanks Center’ and the ‘Old Post Office Building’ in Washington, District of Columbia, and for other purposes” (Public Law 98-1), as amended by Public Law 98-148, is amended by striking out “within two years of enactment of this Act” and inserting in lieu thereof “through project completion”.

Approved December 26, 1985.

LEGISLATIVE HISTORY—H.R. 2391:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 11, considered and passed House.

Dec. 18, considered and passed Senate.

Public Law 99-212
99th Congress

An Act

Designating the building located at 125 South State Street, Salt Lake City, Utah, as the "Wallace F. Bennett Federal Building".

Dec. 26, 1985
[H.R. 2542]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 125 South State Street, Salt Lake City, Utah, shall hereafter be known and designated as the "Wallace F. Bennett Federal Building". Any reference to such building in any law, map, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "Wallace F. Bennett Federal Building".

Approved December 26, 1985.

Public Law 99-213
99th Congress

An Act

Dec. 26, 1985

[H.R. 2698]

To designate the United States Courthouse in Tucson, Arizona, as the "James A. Walsh United States Courthouse".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF COURTHOUSE.

The building located at 55 East Broadway in Tucson in the State of Arizona, commonly known as the United States Courthouse, hereafter shall be known and designated as the "James A. Walsh United States Courthouse".

SEC. 2. LEGAL REFERENCES TO COURTHOUSE.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 hereby is deemed to be a reference to the "James A. Walsh United States Courthouse".

Approved December 26, 1985.

LEGISLATIVE HISTORY—H.R. 2698:

HOUSE REPORT No. 99-209 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 131 (1985):

Oct. 7, considered and passed House.

Dec. 18, considered and passed Senate.

Public Law 99-214
99th Congress

An Act

to designate the Federal Building and United States Post Office located in Philadelphia, Pennsylvania, as the "Robert N. C. Nix, Sr., Federal Building and United States Post Office".

Dec. 26, 1985

[H.R. 2903]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BUILDING.

The Federal Building and United States Post Office located at 9th and Market Streets in Philadelphia, in the State of Pennsylvania, shall hereafter be known and designated as the "Robert N. C. Nix, Sr., Federal Building and United States Post Office".

SECTION 2. LEGAL REFERENCES TO BUILDING.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the "Robert N. C. Nix, Sr., Federal Building and United States Post Office".

Approved December 26, 1985.

LEGISLATIVE HISTORY—H.R. 2903:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 11, considered and passed House.

Dec. 18, considered and passed Senate.

Public Law 99-215
99th Congress

An Act

Dec. 26, 1985

[H.R. 3003]

To authorize the Secretary of the Interior to convey certain land located in the State of Maryland to the Maryland-National Capital Park and Planning Commission

Real property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to convey, without monetary consideration, to the Maryland-National Capital Park and Planning Commission all right, title, and interest of the United States to a parcel of land comprising approximately fifty-five acres located in Prince George's County, Maryland.

Recreation.

(2) Except as provided in subsection (b), the land conveyed pursuant to paragraph (1) shall be used solely for park and outdoor recreation purposes in accordance with a land use plan for the property prepared by the Maryland-National Capital Park and Planning Commission and submitted to the National Capital Planning Commission for review and comment. The instrument of conveyance for the real property conveyed pursuant to subsection (a) shall set forth all terms and conditions of the conveyance. Such instrument shall further provide that all right, title, and interest conveyed to the Maryland-National Capital Park and Planning Commission pursuant to such instrument, except such access as is authorized by subsection (b)(1), shall revert to the United States if such land is used for any purpose other than as stated in the paragraph.

Public
availability.

(3) As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the area designated under paragraph (1) with the Committee on Interior and Insular Affairs, United States House of Representatives, and with the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act, except that the correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file in the office of the regional director, National Park Service and the National Capital Park Region.

(4) The Maryland-National Capital Park and Planning Commission shall reimburse the Secretary of the Interior for the costs of the land conveyance described in paragraph (1).

(b)(1) Subject to the provisions of this subsection, the Maryland-National Capital Park and Planning Commission may grant access across the real property conveyed pursuant to subsection (a) to the owner of any adjacent real property contingent upon each of the following:

(A) Submission by the owner of the adjacent real property of a land use and development plan, incorporating the provisions of the memorandum of May 7, 1985, to the National Capital Planning Commission for review and comment;

(B) Approval of the terms and conditions of the memorandum of May 7, 1985, by the Prince Georges County Council;

(C) Compliance by the owner of the adjacent real property seeking such access with the terms and conditions of the memorandum of May 7, 1985, as determined by the National Capital Planning Commission;

(D) Conveyance by the owner of the adjacent real property to the National Capital Planning Commission of an easement in perpetuity which shall run with the land, incorporate the restrictions on development contained in the memorandum of May 7, 1985, and incorporate any other land restrictions imposed by Prince Georges County; and

(E) The availability for such access for public use.

(2) The owner of the adjacent real property shall obtain appropriate road construction bonds as required by State and local government regulation prior to the construction of such access road, and shall establish an interest bearing escrow account in an amount necessary to insure protection of the surrounding parkland and compliance with the conditions of subsection (b)(1). Such amount shall be determined by the owner of the adjacent real property and the Maryland-National Capital Park and Planning Commission. Following completion of the construction of such public use access road, and review by the Maryland-National Capital Park and Planning Commission, said escrow account shall be returned to the owner of the adjacent real property.

Public
availability.
State and local
governments.

(3)(A) The National Capital Planning Commission and the Maryland-National Capital Park and Planning Commission shall make a copy of the memorandum of May 7, 1985, available for public inspection in the offices of each commission during business hours.

Public
availability.

(B) Upon approval of any proposed amendment by both of the parties to the memorandum of May 7, 1985, the proposed amendment shall be published in the Federal Register and concurrently submitted to the congressional committees referred to in subsection (3). The amendment shall not be effective until 60 calendar days after it has been transmitted to the committees.

Federal
Register,
publication.

(c) For purposes of this Act—

(1) the term “memorandum of May 7, 1985” means the memorandum of understanding entered into on May 7, 1985, between the National Capital Planning Commission and the owner of

the real property adjacent to the land to be conveyed pursuant to subsection (a)(1); and

(2) the term "owner of the adjacent real property" means the owner of the adjacent real property, its successors or assigns, as described in the memorandum of understanding entered into on May 7, 1985.

Approved December 26, 1985.

LEGISLATIVE HISTORY—H.R. 3003:

HOUSE REPORT No. 99-313 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 99-186 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Oct. 23, considered and passed House.

Dec. 3, considered and passed Senate, amended.

Dec. 6, House concurred in Senate amendment.

Public Law 99-216
99th Congress

An Act

To waive the period of Congressional review for certain District of Columbia acts authorizing the issuance of revenue bonds.

Dec. 26, 1985
[H.R. 3718]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of
Columbia
Revenue Bond
Act of 1985.

SECTION 1. SHORT TITLE.

This Act may be cited as the “District of Columbia Revenue Bond Act of 1985”.

SEC. 2. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS AUTHORIZING THE ISSUANCE OF REVENUE BONDS.

(a) **WAIVER.**—Section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act shall not apply to certain acts of the District of Columbia described in subsection (c) authorizing the issuance, sale, and delivery of revenue bonds.

87 Stat. 774.

(b) **EFFECTIVE DATE OF ACTS.**—Notwithstanding section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act and any provision in any District of Columbia act described in subsection (c), the District of Columbia acts described in subsection (c) shall take effect on the date of the enactment of this Act.

87 Stat. 774.

(c) **CERTAIN ACTS OF THE DISTRICT OF COLUMBIA AUTHORIZING THE ISSUANCE OF REVENUE BONDS.**—The District of Columbia acts authorizing the issuance, sale, and delivery of revenue bonds referred to in subsections (a) and (b) are as follows:

(1) The Georgetown University Higher Education Facilities Revenue Bond Act of 1985, District of Columbia act 6-101, transmitted to the Speaker of the House and the President of the Senate November 7, 1985.

(2) The Sibley Memorial Hospital Revenue Bond Act of 1985, District of Columbia act 6-94, transmitted to the Speaker of the House and the President of the Senate October 23, 1985.

Approved December 26, 1985.

LEGISLATIVE HISTORY—H.R. 3718:

HOUSE REPORT No. 99-372 (Comm. on the District of Columbia).

SENATE REPORT No. 99-227 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Nov. 19, considered and passed House.

Dec. 19, considered and passed Senate, amended. House concurred in Senate amendments.

Public Law 99-217
99th Congress

An Act

Dec. 26, 1985
[H.R. 3837]

To extend the deadline for the submission of the initial set of sentencing guidelines by the United States Sentencing Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sentencing
Reform
Amendments
Act of 1985.
18 USC 3551
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sentencing Reform Amendments Act of 1985".

SEC. 2. DEADLINE FOR INITIAL SET OF SENTENCING GUIDELINES.

98 Stat. 2031.
18 USC 3551
note.

(a) **EXTENSION.**—Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "eighteen" and inserting "30" in lieu thereof.

(b) **TECHNICAL AMENDMENT.**—Section 235(a)(1)(B)(i) of the Comprehensive Crime Control Act of 1984 is amended by striking out "to section" and inserting "under section" in lieu thereof.

SEC. 3. CONFORMING CHANGE IN TITLE 28, UNITED STATES CODE.

98 Stat. 2023.

Section 994(q) of title 28, United States Code, is amended by striking out "within three years" and all that follows through "Act of 1983" and inserting in lieu thereof "not later than one year after the initial set of sentencing guidelines promulgated under subsection (a) goes into effect".

SEC. 4. CONFORMING CHANGE IN COMPREHENSIVE CRIME CONTROL ACT OF 1984.

98 Stat. 2031.
18 USC 3551
note.

Section 235(a)(1) of the Comprehensive Crime Control Act of 1984 is amended by striking out "twenty-four" and inserting "36" in lieu thereof.

Approved December 26, 1985.

LEGISLATIVE HISTORY—H.R. 3837:

CONGRESSIONAL RECORD, Vol. 131 (1985):
Dec. 16, considered and passed House.
Dec. 18, considered and passed Senate.

Public Law 99-218
101st Congress

An Act

to preserve the authority of the Supreme Court Police to provide protective services for Justices and Court personnel.

Dec. 26, 1985

[H.R. 3914]

As it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Act entitled “An Act relating to the policing of the building and grounds of the Supreme Court of the United States”, as approved August 18, 1949 (40 U.S.C. 13f), section 9(c) of such Act as added by the Act of September 29, 1982 (Public Law 97-390; 96 Stat. 1958), is amended to read as follows:

Public buildings
and grounds.

40 USC 13n.

(c) The authority created under subsection (a)(2) shall expire one year after the date of enactment of this subsection. The Marshal of the Supreme Court shall report annually to the Congress on March 15 of each year regarding the administrative cost of carrying out his duties under this subsection. Duties under subsection (a)(2)(A) of this section with respect to an official guest of the Supreme Court in any part of the United States (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice of the United States or an Associate Justice of the Supreme Court, if such duties require the carrying of firearms under subsection (a)(5) of this section.”.

Report.

Approved December 26, 1985.

LEGISLATIVE HISTORY—H.R. 3914 (S. 1916):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 12, considered and passed House; considered and passed Senate, amended.

Dec. 17, House concurred in Senate amendment.

Public Law 99-219
99th Congress

Joint Resolution

Dec. 26, 1985

[H.J. Res. 495]

To provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS.

Ante, p. 815.
12 USC 1703.

(a) TITLE I INSURANCE.—Section 2(a) of the National Housing Act is amended by striking out “prior to December 16, 1985” in the first sentence and inserting in lieu thereof “not later than March 17, 1986”.

Ante, p. 815.
12 USC 1715h.

(b) GENERAL INSURANCE.—Section 217 of the National Housing Act is amended by striking out “December 15, 1985” and inserting in lieu thereof “March 17, 1986”.

Ante, p. 815.
12 USC 1715l.

(c) LOW AND MODERATE INCOME HOUSING INSURANCE.—Section 221(f) of the National Housing Act is amended by striking out “December 15, 1985” in the fifth sentence and inserting in lieu thereof “March 17, 1986”.

(d) SECTION 235 HOMEOWNERSHIP.—

Ante, p. 815.
12 USC 1715z.

(1) ASSISTANCE PAYMENTS AUTHORITY.—Section 235(h)(1) of the National Housing Act is amended by striking out “December 15, 1985” in the last sentence and inserting in lieu thereof “March 17, 1986”.

(2) INSURANCE AUTHORITY.—Section 235(m) of the National Housing Act is amended by striking out “December 15, 1985” and inserting in lieu thereof “March 17, 1986”.

(3) HOUSING STIMULUS AUTHORITY.—Section 235(q)(1) of the National Housing Act is amended by striking out “December 15, 1985” in the last sentence and inserting in lieu thereof “March 17, 1986”.

(e) CO-INSURANCE.—

Ante, p. 815.
12 USC 1715z-9.

(1) GENERAL AUTHORITY.—Section 244(d) of the National Housing Act is amended by striking out “December 15, 1985” and inserting in lieu thereof “March 17, 1986”.

(2) RENTAL REHABILITATION AND DEVELOPMENT PROJECTS.—Section 244(h) of the National Housing Act is amended by striking out “on or after December 16, 1985” in the last sentence and inserting in lieu thereof “after March 17, 1986”.

Ante, p. 815.
12 USC 1715z-10.

(f) GRADUATED PAYMENT AND INDEXED MORTGAGE INSURANCE.—Section 245(a) of the National Housing Act is amended by striking out “December 15, 1985” in the last sentence and inserting in lieu thereof “March 17, 1986”.

Ante, p. 815.
12 USC 1715z-14.

(g) REINSURANCE CONTRACTS.—Section 249(a) of the National Housing Act is amended by striking out “December 15, 1985” in the second sentence and inserting in lieu thereof “March 17, 1986”.

(h) ARMED SERVICES HOUSING INSURANCE.—

Ante, p. 815.
12 USC 1748h-1.

(1) CIVILIAN EMPLOYEES OF ARMED FORCES.—Section 809(f) of the National Housing Act is amended by striking out “Decem-

ber 15, 1985" in the last sentence and inserting in lieu thereof "March 17, 1986".

(2) **DEFENSE HOUSING FOR IMPACTED AREAS.**—Section 810(k) of the National Housing Act is amended by striking out "December 15, 1985" in the last sentence and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
12 USC 1748h-2.

(i) **LAND DEVELOPMENT INSURANCE.**—Section 1002(a) of the National Housing Act is amended by striking out "December 15, 1985" in the last sentence and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
12 USC 1749bb.

(j) **GROUP PRACTICE FACILITIES INSURANCE.**—Section 1101(a) of the National Housing Act is amended by striking out "December 15, 1985" in the last sentence and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
12 USC 1749aaa.

SEC. 2. EXTENSION OF REHABILITATION LOAN AUTHORITY.

Section 312(h) of the Housing Act of 1964 is amended—

Ante, p. 816.
42 USC 1452b.

(1) by striking out "December 15, 1985" and inserting in lieu thereof "March 17, 1986"; and

(2) by striking out "prior to December 16, 1985" and inserting in lieu thereof "on or before such date".

SEC. 3. EXTENSION OF RURAL HOUSING AUTHORITIES.

(a) **RENTAL HOUSING LOAN AUTHORITY.**—Section 515(b)(4) of the Housing Act of 1949 is amended by striking out "December 15, 1985" and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
42 USC 1485.

(b) **RURAL AREA CLASSIFICATION.**—Section 520 of the Housing Act of 1949 is amended by striking out "December 15, 1985" in the last sentence and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
42 USC 1490.

(c) **MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.**—Section 523(f) of the Housing Act of 1949 is amended by striking out "December 15, 1985" and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
42 USC 1490c.

SEC. 4. EXTENSION OF FLOOD AND CRIME INSURANCE PROGRAMS.

(a) **FLOOD INSURANCE.**—

(1) **GENERAL AUTHORITY.**—Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "December 15, 1985" and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
42 USC 4026.

(2) **EMERGENCY IMPLEMENTATION.**—Section 1336(a) of the National Flood Insurance Act of 1968 is amended by striking out "December 15, 1985" and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
42 USC 4056.

(3) **ESTABLISHMENT OF FLOOD-RISK ZONES.**—Section 1360(a)(2) of the National Flood Insurance Act of 1968 is amended by striking out "December 15, 1985" and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
42 USC 4101.

(b) **CRIME INSURANCE.**—Section 1201(b)(1) of the National Housing Act is amended by striking out "December 15, 1985" in the matter preceding subparagraph (A) and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
12 USC 1749bbb.

SEC. 5. MISCELLANEOUS EXTENSIONS.

(a) **COMMUNITY DEVELOPMENT BLOCK GRANT CLASSIFICATIONS.**—

(1) **METROPOLITAN CITY.**—Section 102(a)(4) of the Housing and Community Development Act of 1974 is amended by striking out "December 15, 1985" in the second sentence and inserting in lieu thereof "March 17, 1986".

Ante, p. 816.
42 USC 5302.

(2) URBAN COUNTY.—Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended by striking out “December 15, 1985” in the second sentence and inserting in lieu thereof “March 17, 1986”.

Ante, p. 817.
42 USC 5302.

(b) SECTION 202 INTEREST RATE LIMITATION.—Section 223(a)(2) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking out “prior to December 16, 1985” and inserting in lieu thereof “not later than March 17, 1986”.

Ante, p. 817.
12 USC 1701q
note.

(c) HOME MORTGAGE DISCLOSURE ACT OF 1975.—Section 312 of the Home Mortgage Disclosure Act of 1975 is amended by striking out “December 16, 1985” and inserting in lieu thereof “March 17, 1986”.

Ante, p. 817.
12 USC 2811.

Approved December 26, 1985.

LEGISLATIVE HISTORY—H.J. Res. 495:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 19, considered and passed House.

Dec. 20, considered and passed Senate.

Public Law 99-220
99th Congress

Joint Resolution

Designating the week beginning January 12, 1986, as “National Fetal Alcohol Syndrome Awareness Week”.

Dec. 26, 1985

[S.J. Res. 189]

Whereas fetal alcohol syndrome is one of the three major known causes of birth defects with accompanying mental retardation in the United States;

Whereas fetal alcohol syndrome can result in such serious health problems as: deficiencies in prenatal and postnatal growth that are associated with mental retardation; developmental disabilities that may cause an infant to experience delays in learning to walk and speak; and heart defects, including defects in the wall between the pumping chambers of the heart;

Whereas in cases in which fetal alcohol syndrome is avoided, infants may still experience alcohol-related birth effects, known as fetal alcohol effects, which are a series of health problems that include increased irritability during the newborn period and hyperactivity;

Whereas the discovery of fetal alcohol syndrome as a major health problem is a recent occurrence, and many questions regarding the illness remain unanswered;

Whereas there has never been an infant born with fetal alcohol syndrome whose mother did not consume alcohol during pregnancy;

Whereas fetal alcohol syndrome can be prevented if pregnant women and women considering pregnancy abstain from alcohol consumption; and

Whereas the Surgeon General of the Public Health Service has issued an advisory stating that pregnant women and women considering pregnancy should not consume alcohol: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning January 12, 1986, hereby is designated "National Fetal Alcohol Syndrome Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate activities.

Approved December 26, 1985.

LEGISLATIVE HISTORY—S.J. Res. 189:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Sept. 30, considered and passed Senate.

Dec. 18, considered and passed House.

Public Law 99-221
99th Congress

An Act

To authorize the Cherokee Nation of Oklahoma to lease certain lands held in trust for up to ninety-nine years.

Dec. 26, 1985

[S. 1728]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Cherokee
Leasing Act.
25 USC 415
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cherokee Leasing Act”.

SEC. 2. AUTHORIZATION FOR 99-YEAR LEASE.

The second sentence of subsection (a) of the first section of the Act entitled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases” approved August 9, 1955 (25 U.S.C. 415), is amended by inserting “, lands held in trust for the Cherokee Nation of Oklahoma,” after “the Twenty-nine Palms Band of Luiseno Mission Indians.”

SEC. 3. CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES WORKING FOR INDIAN TRIBES.

(a) Subsection (e) of section 105 of the Indian Self-Determination Act (25 U.S.C. 450i(a)) is amended by striking out “1985” and inserting instead “1988”.

(b) Section 210(a)(5)(B)(i) of the Social Security Act (42 U.S.C. 410(a)(5)(B)(i)) and section 3121(b)(5)(B)(i) of the Internal Revenue Code of 1954 are each amended—

98 Stat. 1122.
98 Stat. 1124.
26 USC 3121.

(1) by striking out “and” at the end of subclause (III),

(2) by striking out “; or” at the end of the subclause (IV) and inserting in lieu thereof “, and”, and

(3) by adding after subclause (IV) the following:

“(V) if an individual performing service described in subparagraph (A) returns to the performance of such service after employment (by a tribal organization) to which section 105(e)(2) of the Indian Self-Determination Act applies, then the service performed for that tribal organization shall be considered service described in subparagraph (A); or”.

25 USC 450i.

42 USC 410
note.

(c) The amendments made by subsection (b) apply to any return to the performance of service in the employ of the United States, or to an instrumentality thereof, after 1983.

Approved December 26, 1985.

LEGISLATIVE HISTORY—S. 1728:

SENATE REPORT No. 99-191 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 3, considered and passed Senate.
Dec. 17, considered and passed House.

Public Law 99-222
99th Congress

An Act

To amend the Securities Exchange Act of 1934 to authorize the Securities and Exchange Commission to subject banks, associations, and other entities that exercise fiduciary powers, to the same regulations as broker-dealers, pursuant to section 14(b) of the Securities Exchange Act of 1934.

Dec. 28, 1985
[H.R. 1603]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Shareholder Communications Act of 1985”.

Shareholder
Communications
Act
of 1985.
15 USC 78a
note.

SEC. 2. AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.

(a) **APPLICABILITY OF PROXY RULES TO BANKS, ASSOCIATIONS, AND OTHER FIDUCIARIES.**—Section 14(b) of the Securities Exchange Act of 1934 is amended by inserting “or any bank, association, or other entity that exercises fiduciary powers,” after “under this title,”.

15 USC 78n
and note.

(b) **IMPLEMENTING REGULATIONS.**—Such section is further amended by inserting “(1)” after “(b)” and by adding at the end thereof the following new paragraph:

“(2) With respect to banks, the rules and regulations prescribed by the Commission under paragraph (1) shall not require the disclosure of the names of beneficial owners of securities in an account held by the bank on the date of enactment of this paragraph unless the beneficial owner consents to the disclosure. The provisions of this paragraph shall not apply in the case of a bank which the Commission finds has not made a good faith effort to obtain such consent from such beneficial owners.”.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall become effective one year after the date of enactment of this Act.

15 USC 78n
note.

Approved December 28, 1985.

LEGISLATIVE HISTORY—H.R. 1603 (S. 918):

HOUSE REPORT No. 99-181 (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 131 (1985):

July 22, considered and passed House.

Dec. 18, considered and passed Senate.

Public Law 99-223
99th Congress

An Act

Dec. 28, 1985

[H.R. 1784]

Panama Canal
Commission
Authorization
Act, Fiscal Year
1986.

To authorize appropriations for fiscal year 1986 for the operation and maintenance of the Panama Canal, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Panama Canal Commission Authorization Act, Fiscal Year 1986".

SEC. 2. OPERATING EXPENSES.

There is authorized to be appropriated from the Panama Canal Commission Fund to the Panama Canal Commission (hereafter in this Act referred to as the "Commission") for the fiscal year beginning October 1, 1985, not more than \$436,784,000, for necessary expenses of the Commission incurred under the Panama Canal Act of 1979 (Public Law 96-70; 22 U.S.C. 3601 et seq.), including expenses for—

- (1) the hire of passenger motor vehicles and aircraft;
- (2) the purchase of passenger motor vehicles as may be necessary for fiscal year 1986, the number and price of which may not exceed the amount provided in appropriation Acts; except that large heavy duty passenger sedans used to transport employees of the Commission across the Isthmus of Panama may be purchased for the fiscal year 1986 without regard to price limitations set forth in applicable regulations of any department or agency of the United States;
- (3) official receptions and representation expenses, except that not more than \$33,000 may be made available for such expenses, of which (A) not more than \$8,000 may be made available for such expenses of the Supervisory Board of the Commission, and (B) not more than \$25,000 may be made available for such expenses of the Administrator of the Commission;
- (4) the procurement of expert and consultant services provided in section 3109 of title 5, United States Code;
- (5) a residence for the Administrator of the Commission;
- (6) uniforms, or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code;
- (7) disbursements by the Administrator of the Commission for employee recreation and community projects; and
- (8) the operation of guide services.

SEC. 3. CAPITAL OUTLAY.

Of any funds appropriated pursuant to section 2 of this Act, not more than \$26,500,000 (which is authorized to remain available until expended) may be made available for the acquisition, construction, replacement, and improvement of facilities, structures, and equipment required by the Commission.

SEC. 4. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to the amount authorized to be appropriated by section 2 of this Act, there are authorized to be appropriated to the Commission for the fiscal year 1986 such amounts as may be necessary for—

- (1) increases in salary, pay, retirement, and other employee benefits provided by law;
- (2) covering payments to Panama under paragraph 4(a) of article XIII of the Panama Canal Treaty of 1977, as provided by section 1341(a) of the Panama Canal Act of 1979 (22 U.S.C. 3751(a)); and
- (3) increased costs for fuel.

SEC. 5. BENEFITS FOR CERTAIN EMPLOYEES.

(a) **EDUCATIONAL TRAVEL BENEFITS.**—Section 1207(b)(2) of the Panama Canal Act of 1979 (22 U.S.C. 3647(b)(2)) is amended by striking out “one round trip” and inserting in lieu thereof “two round trips”.

(b) **TRAVEL AND TRANSPORTATION EXPENSES.**—

(1) **EXPENSES ALLOWABLE.**—Subchapter I of chapter 2 of title I of the Panama Canal Act of 1979 (22 U.S.C. 3641 et seq.) is amended by adding at the end thereof the following:

“TRAVEL AND TRANSPORTATION EXPENSES

“SEC. 1210. The Commission may pay the expenses of vacation leave travel for an employee of the Commission to whom section 1206 of this Act applies and for transportation of employee’s family from the employee’s post of duty in Panama to the place of the employee’s actual residence at the time of appointment to the post of duty. The authorization of expenses under this section shall be in accordance with subchapter II of chapter 57 of title 5, United States Code, and the regulations issued under that subchapter, except that the Commission may prescribe required periods of service notwithstanding section 5722 of title 5, United States Code, and the regulations issued under subchapter II of chapter 57 of such title.”

22 USC 3650.

22 USC 3646.

5 USC 5721.

(2) **CLERICAL AMENDMENT.**—The table of contents of the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1209 the following:

“1210. Travel and transportation expenses.”.

(c) **USE OF APPROPRIATIONS FOR HEALTH CARE AND EDUCATIONAL SERVICES.**—Section 1321(e) of the Panama Canal Act of 1979 (22 U.S.C. 3731(e)) is amended to read as follows:

“(e) The appropriations or funds of the Commission, or of any other department or agency of the United States conducting operations in the Republic of Panama, shall be available to defray the cost of—

“(1) health care services to elderly or disabled persons who were eligible to receive such services before the effective date of this Act, less amounts payable by such persons, and

(2) educational services provided by schools in the Republic of Panama, which are not operated by the United States, to employees of the Commission who are citizens of the United States and persons who were receiving such services at the expense of the Canal Zone Government before the effective date of this Act.”.

SEC. 6. COMPENSATION FOR NON-GOVERNMENT BOARD MEMBERS.

Section 1102(b) of the Panama Canal Act of 1979 (22 U.S.C. 3612(b)) is amended in the last sentence by inserting immediately before the period at the end thereof the following: “, except that, in addition to such travel or transportation expenses, members of the Board who hold no other office with either the Government of the United States or the Republic of Panama for which they receive pay are authorized to be compensated at the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which they are traveling to or from or attending meetings of the Board as provided in subsection (c) of this section”.

SEC. 7. NOTIFICATION OF TRANSFER OF PROPERTY.

Section 1504(b) of the Panama Canal Act of 1979 (22 U.S.C. 3784(b)) is amended in the second sentence by striking out “At least 180 days before” and inserting in lieu thereof “Before”.

SEC. 8. EFFECTIVE DATE.

Section 5 and section 6 of the Act shall be effective as of October 1, 1985.

Approved December 28, 1985.

22 USC 3612
note.

LEGISLATIVE HISTORY—H.R. 1784:

HOUSE REPORT No. 99-59 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 99-207 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 131 (1985):

May 14, considered and passed House.

Dec. 12, considered and passed Senate, amended.

Dec. 17, House concurred in Senate amendments.

Public Law 99-224
99th Congress

An Act

To provide for an equitable waiver in the compromise and collection of Federal claims.

Dec. 28, 1985

[H.R. 1890]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CIVIL SERVICE EMPLOYEES.

(a) CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 5584 of title 5, United States Code, is amended—

Transportation.

(1) in the section heading by striking out “other than” through the end of such heading and inserting in lieu thereof “and of travel, transportation and relocation expenses and allowances”;

(2) in subsection (a) by striking out “A claim” and all that follows through “July 1, 1960,” and inserting in lieu thereof “A claim of the United States against a person arising out of an erroneous payment of pay or allowances made on or after July 1, 1960, or arising out of an erroneous payment of travel, transportation or relocation expenses and allowances,”; and

(3) in subsection (b)—

(A) in paragraph (3) by striking out “or” after the semicolon;

(B) in paragraph (4) by striking out the period at the end and inserting in lieu thereof “; or”; and

(C) by adding at the end the following:

“(5) in the case of a claim involving an erroneous payment of travel, transportation or relocation expenses and allowances, if application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment was discovered.”.

(b) CLERICAL AMENDMENT.—The item relating to section 5584 in the table of contents of chapter 55 of title 5, United States Code, is amended by striking out “other than” through the end of such item and inserting in lieu thereof “and of travel, transportation and relocation expenses and allowances”.

SECTION 2. MEMBERS OF THE UNIFORMED SERVICES.

(a) CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 5774 of title 10, United States Code, is amended—

(1) in the section catchline by striking out “other than” and inserting in lieu thereof “and”;

(2) in subsection (a) by striking out “A claim” and all that follows through “October 2, 1972,” and inserting in lieu thereof “A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances,”; and

(3) in subsection (b)(2) by striking out “of pay or allowances, other than travel and transportation allowances,”.

(b) **CLERICAL AMENDMENT.**—The item relating to section 2774 in the table of contents of chapter 165 of title 10, United States Code, is amended by striking out “other than” and inserting in lieu thereof “and”.

SEC. 3. MEMBERS OF THE NATIONAL GUARD.

(a) **CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.**—Section 716 of title 32, United States Code, is amended—

(1) in the section catchline by striking out “other than” and inserting in lieu thereof “and”;

(2) in subsection (a) by striking out “A claim” and all that follows through “October 2, 1972,” and inserting in lieu thereof “A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances,”; and

(3) in subsection (b)(2) by striking out “of pay or allowance other than travel and transportation allowances,”.

(b) **CLERICAL AMENDMENT.**—The item relating to section 716 in the table of contents of chapter 7 of title 32, United States Code, is amended by striking out “other than” and inserting in lieu thereof “and”.

5 USC 5584 note. **SEC. 4. EFFECTIVE DATE.**

The amendments made by section 1 of this Act shall apply to any claim arising out of an erroneous payment of travel, transportation or relocation expenses and allowances made on or after the date of the enactment of this Act. The amendments made by sections 2 and 3 of this Act shall apply to any claim arising out of an erroneous payment of travel and transportation allowances made on or after the date of the enactment of this Act.

Approved December 28, 1985.

LEGISLATIVE HISTORY—H.R. 1890:

HOUSE REPORT No. 99-102 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 131 (1985):

July 15, considered and passed House.

Dec. 11, considered and passed Senate, amended.

Dec. 17, House concurred in certain Senate amendments, in others with amendments.

Dec. 18, Senate concurred in House amendments.

Public Law 99-225
99th Congress

An Act

To remove certain restrictions on the availability of office space for former Speakers of the House.

Dec. 28, 1985

[H.R. 2962]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 and supplemented by the Act entitled "An Act relating to former Speakers of the House of Representatives" (88 Stat. 1723)) (2 U.S.C. 31b-1(a)), is amended by striking out "the Federal office space" and all that follows through the end of such section and inserting in lieu thereof "one office selected by him in order to facilitate the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives. Such office shall be located in the United States and shall be furnished and maintained by the Government in a condition appropriate for his use."

Public buildings
and grounds.

2 USC 31b *et seq.*

Approved December 28, 1985.

LEGISLATIVE HISTORY—H.R. 2962:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 11, considered and passed House.

Dec. 18, considered and passed Senate.

Public Law 99-226
99th Congress

An Act

Dec. 28, 1985
[H.R. 3608]

To amend the Small Business Investment Act of 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

15 USC 687.
Loans.

SECTION 1. Section 308 of the Small Business Investment Act of 1958 is amended as follows:

(a) by striking all of paragraph (2) of subsection (i) after the word "exceed" and by inserting in lieu thereof "the maximum rate prescribed by regulation by the Administration for loans made by any licensee (determined without regard to any State rate incorporated by such regulation)."; and

(b) by striking from paragraph (3) of subsection (i) "paragraph (2)(B)" and by inserting in lieu thereof "paragraph (2)".

15 USC 687
note.

SEC. 2. This Act shall apply to maximum interest rates prescribed by the Administration on or after April 1, 1980.

Approved December 28, 1985.

LEGISLATIVE HISTORY—H.R. 3608:

HOUSE REPORT No. 99-376 (Comm. on Small Business).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Nov. 19, considered and passed House.
Dec. 18, considered and passed Senate.

Public Law 99-227
99th Congress

An Act

To provide for temporary family housing or temporary housing allowances for dependents of members of the Armed Forces who die on or after December 12, 1985, and for other purposes.

Dec. 28, 1985
[H.R. 3974]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

“(1)(1) The Secretary of Defense, or the Secretary of Transportation in the case of the Coast Guard when not operating as a service in the Navy, may allow the dependents of a member of the Armed Forces who dies in line of duty and whose dependents are occupying family housing provided by the Department of Defense, or by the Department of Transportation in the case of the Coast Guard, other than on a rental basis on the date of the member’s death to continue to occupy such housing without charge for a period of 90 days.

“(2) The Secretary concerned may pay an allowance for quarters to the dependents of a member of the uniformed services who dies in line of duty and whose dependents are not occupying a housing facility under the jurisdiction of a uniformed service on the date of the member’s death or are occupying such housing on a rental basis on such date, or whose dependents vacate such housing sooner than 90 days after the date of the member’s death. The amount of the allowance for quarters shall be the same amount that would be payable to the deceased member under sections 403, 403a, and 405 of this title if the member had not died. The payment of an allowance for quarters under this subsection shall terminate 90 days after the date of the member’s death.”.

Ante, pp. 636,
638; 98 Stat.
2536.

Effective date.
37 USC 403 note.

SEC. 2. The amendments made by section 1 of this Act shall take effect December 12, 1985, and shall apply only with respect to housing for and payment of an allowance for quarters to dependents of members of the uniformed services who died on or after that date.

SEC. 3. SERVICEMEN’S GROUP LIFE INSURANCE PROGRAM.—Section 401(c) of Public Law 99-166 is amended to read as follows:

Ante, p. 956.
38 USC 767
note.

“(c) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall take effect on January 1, 1986.

“(2) The amendment made by subsection (a)(1)(A) shall be deemed to have taken effect on December 12, 1985, with respect to members who—

99 STAT. 1746

PUBLIC LAW 99-227—DEC. 28, 1985

“(A) died after December 11, 1985, and before January 1, 1986;
and

“(B) were, on the date of death, insured in the amount of
\$35,000 under subchapter III of chapter 19 of title 38, United
States Code.”.

38 USC 765.

Approved December 28, 1985.

LEGISLATIVE HISTORY—H.R. 3974 (S. 1956):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 18, considered and passed House; considered and passed Senate, amended

Dec. 19, House concurred in Senate amendments.

Public Law 99-228
99th Congress

An Act

To amend title 25, United States Code, relating to Indian education programs, and for other purposes.

Dec. 28, 1985
[S. 1621]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1128 of Public Law 95-561 (25 U.S.C. 2008), as amended, is amended by—

Schools and
colleges.

(1) deleting “Indian students” in subsection (a)(1) and substituting in lieu thereof “eligible Indian students”; and

(2) deleting “Indian child” between the words “for each” and “attending such school”, and “for an” and “in public school” in subsection (b), and substitute in lieu thereof “eligible Indian student”; and

(3) by adding the following new subsections:

“(f) In this section ‘eligible Indian student’ means a student who—

“(1) is a member of or is at least a one-fourth degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians, and

“(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

“(g)(1) An eligible Indian student may not be charged tuition for attendance at a Bureau or contract school. A student attending a Bureau school under clause (2)(C) of this subsection may not be charged tuition.

“(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

“(A) the Secretary determines that the student’s attendance will not adversely affect the school’s program for eligible Indian students because of cost, overcrowding, or violation of standards,

“(B) the school board consents, and

“(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site, or

“(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students. The tuition collected is in addition to the school’s allocation under this section.

“(3) The school board of a contract school may permit students who are not eligible Indian students under this subsection to attend its contract school and any tuition collected for those students is in addition to funding under this section.”.

25 USC 2008
note.

SEC. 2. Any other provision of law notwithstanding, the Secretary of the Interior shall count for funding purposes under section 1128 of Public Law 95-561 during the 1985-1986 academic year each student attending a Bureau or contract school during the count week for that year if the student (a) was counted for funding purposes under section 1128 for the 1984-1985 academic year and (b) is an eligible Indian student under the amendment to section 1128 in section 1 of this Act.

Repeal.

SEC. 3. The following provisions of law are hereby repealed—

(1) in the Act of March 1, 1907 (ch. 2285, 34 Stat. 1015) the first full paragraph on page 1018 (25 U.S.C. 288).

25 USC 320.

(2) in the Act of March 3, 1909 (ch. 263, 35 Stat. 781) the last two provisos in the second full paragraph on page 783 (25 U.S.C. 289).

(3) in the Act of May 27, 1918 (ch. 86, 40 Stat. 561) the third proviso in the paragraph under the heading "SUPPORT OF INDIAN SCHOOLS" on page 564 (25 U.S.C. 297)."

Approved December 28, 1985.

LEGISLATIVE HISTORY—S. 1621:

SENATE REPORT No. 99-180 (Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 13, considered and passed Senate.

Dec. 16, considered and passed House.

Public Law 99-229
99th Congress

An Act

To authorize the Architect of the Capitol and the Secretary of Transportation, in consultation with the Chief Justice of the United States, to study alternatives for construction of a building adjacent to Union Station in the District of Columbia, and for other purposes.

Dec. 28, 1985
[S. 1706]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY OF CONSTRUCTION OF OFFICE BUILDING.

(a) **REQUIREMENT FOR JOINT STUDY.**—The Architect of the Capitol and the Secretary of Transportation, in consultation with the Chief Justice of the United States, shall jointly study alternatives for the construction on squares 721 and 722, bounded by F Street, 2nd Street, Massachusetts Avenue, and Columbia Plaza, Northeast, in the District of Columbia, of a building or buildings to meet the current and future needs of the administrative office of the United States Courts, the Federal Judicial Center, and other judicial functions and such other commercial, governmental, cultural, educational, and recreational activities which the Architect and the Secretary determine may appropriately be located in such building or buildings. Such building or buildings shall complement the areas surrounding such squares and fulfill the goals of mixed use in the Public Buildings Cooperative Use Act of 1976.

Public buildings
and grounds.

(b) **ELEMENTS OF STUDY.**—The study under subsection (a) shall include—

40 USC 601
note.

(1) a study of alternative sizes and designs for such building or buildings and the estimated cost of each such alternative necessary to meet the current and future needs referred to in subsection (a);

(2) an analysis of other commercial, governmental, cultural, educational, and recreational activities which may appropriately be located in such building or buildings;

(3) an analysis of methods of providing security, utility, fire, and other related services for such building or buildings and allocating the cost of providing such services among the occupants of such building or buildings;

(4) an analysis of methods for financing and constructing such building or buildings in the most feasible and economical manner; and

(5) an analysis of methods of financing the construction of such building or buildings, including methods to minimize or eliminate initial capital investment by the United States through the use of public-private partnerships or nongovernmental sources of financing such construction.

(c) **REPORT.**—Not later than August 15, 1986, the Architect of the Capitol and the Secretary of Transportation shall submit to Congress a report on the results of the study conducted under subsection (a), together with recommendations concerning the size and design

of such building or buildings and methods of financing the construction of such building or buildings.

(d) **AUTHORIZATION OF APPROPRIATION.**—There is authorized to be appropriated to the Architect of the Capitol \$2,000,000 for fiscal year 1986 to carry out this Act. From funds appropriated to carry out this Act, the Architect shall make available to the Secretary of Transportation such amounts as may be necessary for the Secretary to carry out the Secretary's functions under this Act. Funds appropriated to carry out this Act shall remain available until expended.

Approved December 28, 1985.

LEGISLATIVE HISTORY—S. 1706 (H.R. 2416):

HOUSE REPORT No. 99-119 accompanying H.R. 2416 (Comm. on Public Works and Transportation).

SENATE REPORT No. 99-158 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Oct. 29, considered and passed Senate.

Dec. 10, H.R. 2416 considered and passed House; S. 1706, amended, passed in lieu.

Dec. 19, Senate concurred in House amendments.

Public Law 99-230
101st Congress

An Act

To change the date for transmittal of a report.

Dec. 28, 1985
[S. 1918]

As it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section (d) of the International Security and Development Cooperation Act of 1985 is amended by striking out “December 31, 1985,” and inserting in lieu thereof “October 1, 1986.”

Ante, p. 245.

(b) The amendment made by subsection (a) shall take effect as of October 30, 1985.

Effective date.

Approved December 28, 1985.

LEGISLATIVE HISTORY—S. 1918:

CONGRESSIONAL RECORD, Vol. 131 (1985):
Dec. 16, considered and passed Senate.
Dec. 18, considered and passed House.

Public Law 99-231
99th Congress

Joint Resolution

Dec. 28, 1985
[S.J. Res. 198]

To designate the year of 1986 as the “Sesquicentennial Year of the National Library of Medicine”.

Whereas the National Library of Medicine houses the world’s largest and most distinguished collection of health science literature in the world;

Whereas the National Library of Medicine has pioneered in developing the renowned MEDLARS system that provides worldwide access to this literature;

Whereas American health professionals, in research, education, and practice, have reaped great benefits from the communication systems and services provided by the National Library of Medicine;

Whereas the health of American citizens has been improved as a result of the rapid access to biomedical information enjoyed by health practitioners utilizing the services of the National Library of Medicine; and

Whereas the long and distinguished history of the National Library of Medicine is worthy of special commemoration by the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the year of 1986 be designated as the “Sesquicentennial Year of the National Library of Medicine” and that in recognition of the occasion of the one hundred fiftieth anniversary of the founding of the National Library of Medicine, the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such year with appropriate ceremonies, programs, and activities.

Approved December 28, 1985.

LEGISLATIVE HISTORY—S.J. Res. 198:

CONGRESSIONAL RECORD, Vol. 131 (1985):
Nov. 23, considered and passed Senate.
Dec. 18, considered and passed House.

Public Law 99-232
101st Congress

Joint Resolution

To designate the week of January 26, 1986, to February 1, 1986, as “Truck and Bus Safety Week”.

Dec. 28, 1985

[S.J. Res. 235]

Whereas trucks and buses provide essential transportation services to all Americans;

Whereas five million trucks travel more than one hundred and thirty-eight billion miles each year, bringing raw materials, finished goods, food, and other essential products to market;

Whereas the trucking industry alone employs more than seven million four hundred thousand Americans and generates annual revenues in excess of \$200,000,000,000;

Whereas the bus industry employs approximately fifty thousand people and provides service to over ten thousand cities and communities;

Whereas the safe maintenance and operation of trucks and buses is vital to the health and safety of motorists, pedestrians, and other users of the Nation's highways, roads, and streets;

Whereas the safe maintenance and operation of trucks and buses is also vital to the companies and individuals directly involved in the provision of such transportation services;

Whereas the safe maintenance and operation of trucks carrying hazardous materials is essential not only to the safety of the immediate highway environment, but often to the surrounding environment as well;

Whereas State governments are increasing their efforts to improve safety compliance both on their own and with funding assistance provided by the Federal Government;

Whereas there is a continuing need for congressional inducement to improve highway safety; and

Whereas improvements in the safe operation of trucks and buses result from activities undertaken by management and labor, including activities to ensure driver professionalism: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the week of January 26, 1986, to February 1, 1986, as "Truck and Bus Safety Week" and to call upon Federal, State, and local government agencies and the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved December 28, 1985.

LEGISLATIVE HISTORY—S.J. Res. 235:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 13, considered and passed Senate.

Dec. 18, considered and passed House.

PUBLIC LAW 99-233—DEC. 28, 1985

99 STAT. 1755

Public Law 99-233
99th Congress

Joint Resolution

Relative to the convening of the second session of the Ninety-ninth Congress.

Dec. 28, 1985

[S.J. Res. 255]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-ninth Congress shall begin at 12 o'clock meridian on Tuesday, January 21, 1986.

Approved December 28, 1985.

LEGISLATIVE HISTORY—S.J. Res. 255 (H.J. Res. 496):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 19, considered and passed Senate.

Dec. 20, considered and passed House.

Public Law 99-234
99th Congress

An Act

Jan. 2, 1986

[S. 1840]

Federal Civilian
Employee and
Contractor
Travel Expenses
Act of 1985.
5 USC 5701 note.

To amend title 5, United States Code, to revise the authority relating to the payment of subsistence and travel allowances to Government employees for official travel; to prescribe standards for the allowability of the cost of subsistence and travel of contractor personnel under Government contracts; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Federal Civilian Employee and Contractor Travel Expenses Act of 1985".

TITLE I—TRAVEL EXPENSES OF FEDERAL CIVILIAN
EMPLOYEES

SEC. 101. Section 5701(4) of title 5, United States Code, is amended to read as follows:

"(4) 'per diem allowance' means a daily payment instead of actual expenses for subsistence and fees or tips to porters and stewards;"

SEC. 102. (a) Section 5702 of title 5, United States Code, is amended by striking out subsections (a), (b), (c), and (d) and inserting in lieu thereof the following:

"(a)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee, when traveling on official business away from the employee's designated post of duty, or away from the employee's home or regular place of business (if the employee is described in section 5703 of this title), is entitled to any one of the following:

"(A) a per diem allowance at a rate not to exceed that established by the Administrator of General Services for travel within the continental United States, and by the President or his designee for travel outside the continental United States;

"(B) reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by the Administrator for travel within the continental United States or an amount established by the President or his designee for travel outside the continental United States; or

"(C) a combination of payments described in subparagraphs (A) and (B) of this paragraph.

"(2) Any per diem allowance or maximum amount of reimbursement shall be established, to the extent feasible, by locality.

"(3) For travel consuming less than a full day, the payment prescribed by regulation shall be allocated in such manner as the Administrator may prescribe.

"(b)(1) Under regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who abandons the travel assignment prior to its completion—

"(A) because of an incapacitating illness or injury which is not due to the employee's own misconduct is entitled to reimbursement for expenses of transportation to the employee's des-

Regulations.
5 USC 5707.

5 USC 5703.

Regulations.

Regulations.

Transportation.

ignated post of duty, or home or regular place of business, as the case may be, and to payments pursuant to subsection (a) of this section until that location is reached; or

“(B) because of a personal emergency situation (such as serious illness, injury, or death of a member of the employee’s family, or an emergency situation such as fire, flood, or act of God), may be allowed, with the approval of an appropriate official of the agency concerned, reimbursement for expenses of transportation to the employee’s designated post of duty, or home or regular place of business, as the case may be, and payments pursuant to subsection (a) of this section until that location is reached.

“(2)(A) Under regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who, with the approval of an appropriate official of the agency concerned, interrupts the travel assignment prior to its completion for a reason specified in subparagraph (A) or (B) of paragraph (1) of this subsection, may be allowed (subject to the limitation provided in subparagraph (B) of this paragraph)—

Regulations.
5 USC 5707.

“(i) reimbursement for expenses of transportation to the location where necessary medical services are provided or the emergency situation exists,

“(ii) payments pursuant to subsection (a) of this section until that location is reached, and

“(iii) such reimbursement and payments for return to such assignment.

“(B) The reimbursement which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be the employee’s actual costs of transportation to the location where necessary medical services are provided or the emergency exists, and return to assignment from such location, less the costs of transportation which the employee would have incurred had such travel begun and ended at the employee’s designated post of duty, or home or regular place of business, as the case may be. The payments which an employee may be allowed pursuant to subparagraph (A) of this paragraph shall be based on the additional time (if any) which was required for the employee’s transportation as a consequence of the transportation’s having begun and ended at a location on the travel assignment (rather than at the employee’s designated post of duty, or home or regular place of business, as the case may be).

Transportation.

“(3) Subject to the limitations contained in regulations prescribed pursuant to section 5707 of this title, an employee who is described in subsection (a) of this section and who interrupts the travel assignment prior to its completion because of an incapacitating illness or injury which is not due to the employee’s own misconduct is entitled to payments pursuant to subsection (a) of this section at the location where the interruption occurred.”

Regulations.
5 USC 5707.

(b) Section 5702 of such title is further amended by redesignating subsection (e) as subsection (c).

Ante, p. 1756.

SEC. 103. (a) Subchapter I of chapter 57 of title 5, United States Code, is amended by inserting after section 5706 the following new section:

“§ 5706a. Subsistence and travel expenses for threatened law enforcement personnel

5 USC 5706a.

“(a) Under regulations prescribed pursuant to section 5707 of this title, when the life of an employee who serves in a law enforcement,

Regulations.
5 USC 5707.

investigative, or similar capacity, or members of such employee's immediate family, is threatened as a result of the employee's assigned duties, the head of the agency concerned may approve appropriate subsistence payments for the employee or members of the employee's family (or both) while occupying temporary living accommodations at or away from the employee's designated post of duty.

"(b) When a situation described in subsection (a) of this section requires the employee or members of the employee's family (or both) to be temporarily relocated away from the employee's designated post of duty, the head of the agency concerned may approve transportation expenses to and from such alternate location."

(b) The analysis for chapter 57 of title 5, United States Code, is amended by inserting after the item pertaining to section 5706 the following new item:

"5706a. Subsistence and travel expenses for threatened law enforcement personnel."

SEC. 104. Section 5707 of title 5, United States Code, is amended

(1) by inserting "(1)" immediately after "(a)";

(2) by inserting the following at the end of subsection (1):

Regulations.

Effective date.

Ante, pp. 1756,
1757.

"(2) Regulations promulgated to implement section 5702 or 5707 of this title shall be transmitted to the appropriate committees of the Congress and shall not take effect until 30 days after such transmittal"; and

(3) by inserting at the end thereof the following new subsection:

Transportation.

"(c)(1) The Administrator of General Services shall periodically, but at least every 2 years, submit to the Director of the Office of Management and Budget an analysis of estimated total agency payments for such items as travel and transportation of people, average costs and duration of trips, and purposes of official travel, and of estimated total agency payments for employee relocation. This analysis shall be based on a sampling survey of agencies each of which spent more than \$5,000,000 during the previous fiscal year for travel and transportation payments, including payments for employee relocation. Agencies shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director.

Expiration date.

"(2) The requirements of paragraph (1) of this subsection shall expire upon the Administrator's submission of the analysis that includes the fiscal year that ends September 30, 1991."

SEC. 105. Section 5724a of title 5, United States Code, is amended

(1) by striking out "instead of" each place it appears in subsections (a)(1) and (a)(2) and inserting in lieu thereof "or";

Regulations.

(2) by striking out "maximum per diem rates prescribed by" under section 5702 of this title" each place it appears and inserting in lieu thereof "maximum payment permitted under regulations which implement section 5702 of this title"; and

Ante, p. 1756.

(3) by striking out "average daily rates" in subsection (a)(2) and inserting in lieu thereof "daily rates and amounts".

SEC. 106. (a) Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end thereof the following new section:

5 USC 5734.

"§ 5734. Travel, transportation, and relocation expenses of employees transferred from the Postal Service

"Notwithstanding the provisions of any other law, officers and employees of the United States Postal Service promoted or transferred

ferred under section 1006 of title 39, United States Code, from the Postal Service to an agency (as defined in section 5721 of this title), for permanent duty may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for other transferred employees within the meaning of this chapter.”

5 USC 5721.

(b) The analysis for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5733 the following new item:

“5734. Travel, transportation, and relocation expenses of employees transferred from the Postal Service.”

SEC. 107. (a) Section 7(e) of the Technology Assessment Act of 1972 (2 U.S.C. 476(e)) is amended by striking out “a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and” and inserting in lieu thereof “payments when traveling on official business at not to exceed the payment prescribed in regulations implementing section 5702 and in”.

Regulations.

(b) Section 636(g)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(g)) is amended by striking out “5702(c)” and inserting in lieu thereof “5702”.

(c) Section 4941(d)(2)(G)(vii) of the Internal Revenue Code of 1954 (26 U.S.C. 4941(d)(2)(G)(vii)) is amended by striking out “5702(a)” and inserting in lieu thereof “5702”.

(d) Section 456(a) of title 28, United States Code, is amended by striking out “a per diem allowance for travel at the rate which the Director establishes not to exceed the maximum per diem allowance fixed by section 5702(a) of title 5, or in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference of the United States, reimbursement for his actual and necessary expenses of subsistence not in excess of the maximum amount fixed by section 5702 of title 5” and inserting in lieu thereof the following: “payments for subsistence expenses at rates or in amounts which the Director establishes, in accordance with regulations which the Director shall prescribe with the approval of the Judicial Conference of the United States and after considering the rates or amounts set by the Administrator of General Services and the President pursuant to section 5702 of title 5”.

Regulations.

(e) Section 326(b) of title 31, United States Code, is amended by striking out “rates” and inserting in lieu thereof “rates and amounts”.

Ante, p. 1756.

(f) Section 6 of Public Law 90-67 (42 U.S.C. 2477) is amended by striking out “rates” and inserting in lieu thereof “rates and amounts”.

TITLE II—TRAVEL EXPENSES OF GOVERNMENT CONTRACTORS

SEC. 201. The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new section:

“TRAVEL EXPENSES OF GOVERNMENT CONTRACTORS

41 USC 420.

“SEC. 24. Under any contract with any executive agency, costs incurred by contractor personnel for travel, including costs of lodging, other subsistence, and incidental expenses, shall be considered to be reasonable and allowable only to the extent that they do not exceed the rates and amounts set by subchapter I of chapter 57 of

Regulations.

5 USC 5701
et seq.

98 Stat. 1195.
42 USC 403.
Study.
Transportation.

Report.

title 5, United States Code, or by the Administrator of General Services or the President (or his designee) pursuant to any provision of such subchapter. This section shall be implemented in regulations prescribed as a part of the single system of Government-wide procurement regulations as defined in section 4 of this Act."

SEC. 202. The Administrator for Federal Procurement Policy, in consultation with the Secretary of Defense and the Administrator of General Services, shall undertake a study to determine whether limitations should be placed on payments by executive agencies to Government contractors for costs incurred by contractor employees for transportation and relocation. The Administrator for Federal Procurement Policy shall submit within 180 days after the enactment of this Act a report thereon to the appropriate committees of the Congress.

TITLE III—EFFECTIVE DATE

Regulations.
5 USC 5701 note.

SEC. 301. (a) The Administrator of General Services shall promulgate regulations implementing the amendments made by sections 101, 102, 103, 104, and 106 of this Act not later than 150 days after the date of enactment of this Act. The amendments made by title I of this Act shall take effect on the effective date of such regulations, or 180 days after the date of enactment of this Act, whichever occurs first.

(b) The amendments made by section 201 of this Act shall take effect 30 days after the effective date of the amendments made by title I.

Approved January 2, 1986.

LEGISLATIVE HISTORY—S. 1840:

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 19, considered and passed Senate and House.

Public Law 99-235
99th Congress

An Act

To amend section 504 of the Alaska National Interest Lands Conservation Act to promote the development of mineral wealth in Alaska.

Jan. 9, 1986
[H.R. 2651]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. As used in this Act, the term "the Act" means the Alaska National Interest Lands Conservation Act (Public Law 96-487).

National parks,
monuments, etc.

SEC. 2. (a) Section 504 of the Act is hereby amended as follows:

16 USC 3101
note.
94 Stat. 2403.

(1) by adding the following after the words "two-hundred-seventy days after the date of the enactment of this Act" in subparagraph (A) of paragraph (1) of subsection (c): "(or, with respect to an unperfected claim within the Greens Creek watershed portion of the Admiralty Island National Monument, within five years and three months after the date of the enactment of this Act)";

(2) by striking the period at the end of subparagraph (A) of paragraph (2) of subsection (c) and by inserting in lieu thereof the following: "or subparagraph (c)(2)(C)";

(3) by adding a new subparagraph (C) after subparagraph (B) of paragraph (2) of subsection (c) as follows:

"(C) Any permit to explore an unperfected mining claim within the Admiralty Island National Monument during the period beginning on the date five years and one day after the date of enactment of this Act shall terminate on the date six years after the date of enactment of this Act.";

Mines and
mining.

(4) by striking the words "before the expiration of such permit" from paragraph (1) of subsection (e) and by inserting in lieu thereof the words "on or before the date five years after the date of enactment of this Act";

(5) by striking the words "upon the expiration of such permit" from paragraph (2) of subsection (e) and by inserting in lieu thereof the words "at midnight, December 2, 1986,"; and

(6) by adding the following new paragraph (3) at the end of subsection (e):

"(3) No patent of any type shall be issued under this subsection with respect to any unperfected mining claim with regard to which the holder thereof has not notified the Secretary pursuant to paragraph (1) of this subsection on or before the date five years after the date of enactment of this Act."

Patents and
trademarks.
Mines and
mining.

(b) Section 504 of the Act is hereby amended by adding at the end thereof a new subsection (k) as follows:

"(k) PROTECTION AGREEMENTS.—(1) Subject to the availability of necessary appropriations, the Secretary shall undertake to negotiate an agreement acceptable to and binding on Shee Atika, Incorporated, its successors and assigns, whereby it is agreed that during the term of such agreement there shall occur on lands within the boundary of the Admiralty Island National Monument which as of

Prohibitions.

October 1, 1985, were owned by Shee Atika, Incorporated, no harvesting of timber, construction of roads, or any other activities which would impair the suitability of such lands for preservation as wilderness.

“(2) During the period an agreement as described in paragraph (1) is in effect the requirements of Corps of Engineers permit numbered 071-OYD-2-810133, Chatham Strait 92 shall be suspended so far as such requirements are applicable to lands subject to such an agreement.

“(3) After the execution of the agreement described in paragraph (1) of this subsection, and subject to the availability of necessary appropriations, the Secretary shall undertake to execute similar agreements acceptable to and binding on Shee Atika, Incorporated, its successors and assigns, for periods after the expiration of the agreement described in paragraph (1). The provisions of paragraph (2) shall apply during the period any agreements executed pursuant to this paragraph are in effect.

“(4) The Secretary is authorized to execute agreements similar to the agreement described in paragraph (1) with regard to any lands within the boundaries of the Admiralty Island National Monument which are owned by an entity other than the United States.”.

Approved January 9, 1986.

LEGISLATIVE HISTORY—H.R. 2651:

HOUSE REPORT, No. 99-436 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Dec. 12, considered and passed House.
Dec. 19, considered and passed Senate.

Public Law 99-236
101st Congress

An Act

to designate the General Services Administration building known as the "United States Appraiser's Stores Building" in Boston, Massachusetts as the "Captain John Foster Williams Coast Guard Building".

Jan. 9, 1986

[H.R. 3931]

As it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the General Services Administration building known as the "United States Appraiser's Stores Building", located at 450 Atlantic Avenue, Boston, Massachusetts, shall hereafter be known and designated as "Captain John Foster Williams Coast Guard Building", in recognition of Captain John Foster Williams' contributions to the Commonwealth of Massachusetts during the Revolutionary War. Any reference in a law, map, regulation, document, record, or other work of the United States to such building shall be deemed to be a reference to the "Captain John Foster Williams Coast Guard Building".

Public buildings
and grounds.

Approved January 9, 1986.

LEGISLATIVE HISTORY—H.R. 3931 (S. 1896):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 18, considered and passed House.

Dec. 19, considered and passed Senate.

Public Law 99-237
99th Congress

Joint Resolution

Jan. 13, 1986
[H.J. Res. 440]

To designate the week of December 1, 1985, through December 7, 1985, as "National Autism Week".

Whereas autism is a serious disorder affecting over 350,000 children and adults;

Whereas autism is a lifelong brain disorder that prevents proper understanding of what an individual sees, hears, or otherwise senses;

Whereas autism causes severe problems in learning, communication, and behavior;

Whereas few of the general public understand this complex neurological disability;

Whereas support groups have dedicated years of service to the education and welfare of all persons with autism;

Whereas these groups remain committed to educating the general public to a better understanding of this disability; and

Whereas autism is a complex disorder that needs greater recognition and research to further understand the disability: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 1, 1985, through December 7, 1985, is designated National Autism Week. The President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week with appropriate programs and activities.

Approved January 13, 1986.

LEGISLATIVE HISTORY—H.J. Res. 440 (S.J. Res. 230):

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 3, considered and passed House.

Dec. 6, considered and passed Senate.

Public Law 99-238
99th Congress

An Act

To amend title 38, United States Code, to provide a 3.1-percent increase in the rates of disability compensation and of dependency and indemnity compensation paid by the Veterans' Administration; to make improvements in veterans' job training programs; and for other purposes.

Jan. 13, 1986
[H.R. 1538]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Rate Increase and Job Training Amendments of 1985".

Veterans'
Compensation
Rate
Increase and Job
Training
Amendments of
1985.
38 USC 101 note.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY
AND INDEMNITY COMPENSATION RATE INCREASES

SEC. 101. DISABILITY COMPENSATION.

(a) IN GENERAL.—Section 314 of title 38, United States Code, is amended—

98 Stat. 2735.

(1) by striking out "\$66" in subsection (a) and inserting in lieu thereof "\$68";

(2) by striking out "\$122" in subsection (b) and inserting in lieu thereof "\$126";

(3) by striking out "\$185" in subsection (c) and inserting in lieu thereof "\$191";

(4) by striking out "\$266" in subsection (d) and inserting in lieu thereof "\$274";

(5) by striking out "\$376" in subsection (e) and inserting in lieu thereof "\$388";

(6) by striking out "\$474" in subsection (f) and inserting in lieu thereof "\$489";

(7) by striking out "\$598" in subsection (g) and inserting in lieu thereof "\$617";

(8) by striking out "\$692" in subsection (h) and inserting in lieu thereof "\$713";

(9) by striking out "\$779" in subsection (i) and inserting in lieu thereof "\$803";

(10) by striking out "\$1,295" in subsection (j) and inserting in lieu thereof "\$1,335";

(11) by striking out "\$1,609" and "\$2,255" in subsection (k) and inserting in lieu thereof "\$1,659" and "\$2,325", respectively;

(12) by striking out "\$1,609" in subsection (l) and inserting in lieu thereof "\$1,659";

(13) by striking out "\$1,774" in subsection (m) and inserting in lieu thereof "\$1,829";

(14) by striking out "\$2,017" in subsection (n) and inserting in lieu thereof "\$2,080";

(15) by striking out "\$2,255" each place it appears in subsections (o) and (p) and inserting in lieu thereof "\$2,325";

(16) by striking out "\$968" and "\$1,442" in subsection (r) and inserting in lieu thereof "\$998" and "\$1,487", respectively;

(17) by striking out "\$1,449" in subsection (s) and inserting in lieu thereof "\$1,494"; and

(18) by striking out "\$280" in subsection (t) and inserting in lieu thereof "\$289".

38 USC 314
note.

38 USC note
prec. 101.

38 USC 301
et seq.

(b) **SPECIAL RULE.**—The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. ADDITIONAL COMPENSATION FOR DEPENDENTS.

98 Stat. 2736.

Section 315(l) of title 38, United States Code, is amended—

(1) by striking out "\$79" in clause (A) and inserting in lieu thereof "\$81";

(2) by striking out "\$132" and "\$42" in clause (B) and inserting in lieu thereof "\$136" and "\$43", respectively;

(3) by striking out "\$54" and "\$42" in clause (C) and inserting in lieu thereof "\$56" and "\$43", respectively;

(4) by striking out "\$64" in clause (D) and inserting in lieu thereof "\$66";

(5) by striking out "\$143" in clause (E) and inserting in lieu thereof "\$147"; and

(6) by striking out "\$120" in clause (F) and inserting in lieu thereof "\$124".

SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

98 Stat. 2736.

Section 362 of title 38, United States Code, is amended by striking out "\$349" and inserting in lieu thereof "\$360".

SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

98 Stat. 2737.

Section 411 of title 38, United States Code, is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1.....	\$491	W-4.....	\$700
E-2.....	505	O-1.....	630
E-3.....	518	O-2.....	640
E-4.....	552	O-3.....	680
E-5.....	566	O-4.....	720
E-6.....	578	O-5.....	750
E-7.....	607	O-6.....	900
E-8.....	640	O-7.....	950
E-9.....	¹ 669	O-8.....	1,000
W-1.....	621	O-9.....	1,100
W-2.....	645	O-10.....	² 1,200
W-3.....	664		

¹ If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master petty officer of the Coast Guard, at the applicable time designated by section 402 of this title the surviving spouse's rate shall be \$722.

² If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title the surviving spouse's rate shall be \$1,345.¹

(2) by striking out "\$55" in subsection (b) and inserting in lieu thereof "\$57";

(3) by striking out "\$143" in subsection (c) and inserting in lieu thereof "\$147"; and

(4) by striking out "\$70" in subsection (d) and inserting in lieu thereof "\$72".

C. 105. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

Section 413 of title 38, United States Code, is amended—

98 Stat. 2737.

(1) by striking out "\$240" in clause (1) and inserting in lieu thereof "\$247";

(2) by striking out "\$345" in clause (2) and inserting in lieu thereof "\$356";

(3) by striking out "\$446" in clause (3) and inserting in lieu thereof "\$460"; and

(4) by striking out "\$446" and "\$90" in clause (4) and inserting in lieu thereof "\$460" and "\$93", respectively.

C. 106. SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

Section 414 of title 38, United States Code, is amended—

98 Stat. 2737.

(1) by striking out "\$143" in subsection (a) and inserting in lieu thereof "\$147";

(2) by striking out "\$240" in subsection (b) and inserting in lieu thereof "\$247"; and

(3) by striking out "\$122" in subsection (c) and inserting in lieu thereof "\$126".

C. 107. EFFECTIVE DATE.

The amendments made by this title shall take effect as of December 1, 1985.

38 USC 314
note.

TITLE II—VETERANS' JOB TRAINING AMENDMENTS

Employment
and
unemployment.

C. 201. EMERGENCY VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) **SHORT TITLE.**—(1) The first sentence of section 1 of Public Law 97-77 (29 U.S.C. 1721 note) is amended to read as follows: "This Act may be cited as the 'Veterans' Job Training Act'."

Veterans' Job
Training Act.

(2) Any reference in any Federal law to the Emergency Veterans' Job Training Act of 1983 shall be deemed to refer to the Veterans' Job Training Act.

29 USC 1721
note.

(b) **ELIGIBILITY.**—Section 5(a)(1)(B) of the Veterans' Job Training Act, as redesignated by subsection (a), is amended by striking out "fifteen of the twenty" and inserting in lieu thereof "10 of the 15".

29 USC 1721
note.

(c) **COUNSELING.**—Section 14 of such Act is amended—

29 USC 1721
note.

(1) by inserting "(a)" before "The"; and

(2) by adding at the end the following new subsection:

"(b) The Secretary—

"(1) shall provide for a program under which periodic (not less than monthly) contact is maintained with each veteran participating in a program of job training under this Act for the purposes of avoiding unnecessary termination of employment, referring the veteran to appropriate counseling if necessary, and facilitating the veteran's successful completion of such program; and

"(2) after consultation with the Administrator, shall provide for a program of counseling services designed to resolve difficul-

ties that may be encountered by veterans during their training under this Act and shall advise all veterans and employers participating under this Act of the availability of such services and other related counseling services and assistance and encourage them to request such services and assistance whenever appropriate.”.

98 Stat. 2744.
29 USC 1721
note.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 16 of such Act is amended—

(1) by inserting “and \$65,000,000 for fiscal year 1986” after “1985”; and

(2) by striking out “1987” and inserting in lieu thereof “1988”.

98 Stat. 2744.
29 USC 1721
note.

(e) **TOLLING OF CERTAIN PERIOD.**—Section 17 of such Act is amended—

(1) by striking out “Assistance” and inserting in lieu thereof “(a) Except as provided in subsection (b), assistance”;

(2) in clause (1), by striking out “February 28, 1985” and inserting in lieu thereof “January 31, 1987”;

Ante, p. 481.

(3) in clause (2), by striking out “July 1, 1986” and inserting in lieu thereof “July 31, 1987”; and

(4) by adding at the end the following new subsection:

“(b) If funds for fiscal year 1986 are appropriated for the purpose of making payments to employers under this Act but are not both so appropriated and made available by the Director of the Office of Management and Budget to the Veterans’ Administration on or before February 1, 1986, for such purpose, assistance may be paid to an employer under this Act on behalf of a veteran if the veteran—

“(1) applies for a program of job training under this Act within 1 year after the date on which funds so appropriated are made available to the Veterans’ Administration by the Director; and

“(2) begins participation in such program within 18 months after such date.”.

29 USC 1721
note.

(f) **EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (e)(2) shall take effect on February 1, 1986.

38 USC 1516
note.

SEC. 202. COORDINATION.

(a) **IN GENERAL.**—In carrying out section 1516(b) of title 38, United States Code, the Administrator of Veterans’ Affairs shall take all feasible steps to establish and encourage, for veterans who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training consistent with the provisions of the Veterans’ Job Training Act (as redesignated by section 201(a)(1) of this Act) so as to utilize programs of job training established by employers pursuant to such Act.

(b) **DIRECTIVE.**—In carrying out such Act, the Administrator shall take all feasible steps to ensure that, in the cases of veterans who are eligible to have payments made on their behalf under both such Act and section 1516(b) of title 38, United States Code, the authority under such section is utilized, to the maximum extent feasible and consistent with the veteran's best interests, to make payments to employers on behalf of such veterans.

Approved January 13, 1986.

LEGISLATIVE HISTORY—H.R. 1538:

HOUSE REPORT No. 99-337, Pt. 1 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 9, considered and passed House.

Dec. 19, considered and passed Senate, amended. House concurred in Senate amendments.

Public Law 99-239
99th Congress

Joint Resolution

Jan. 14, 1986

[H.J. Res. 187]

Compact of Free
Association Act
of 1985.
Micronesia.
Marshall
Islands.
48 USC 1681
note.
59 Stat. 1031.

To approve the "Compact of Free Association", and for other purposes.

Whereas the United States, in accordance with the Trusteeship Agreement, the Charter of the United Nations and the objectives of the international trusteeship system, has promoted the development of the peoples of the Trust Territory toward self-government or independence as appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned; and

Whereas the United States, in response to the desires of the peoples of the Federated States of Micronesia and the Marshall Islands expressed through their freely-elected representatives and by the official pronouncements and enactments of their lawfully constituted governments, and in consideration of its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the peoples of the Federated States of Micronesia, and the Marshall Islands; and

Whereas these negotiations resulted in the "Compact of Free Association" which, together with its related agreements, was signed by the United States and by the Federated States of Micronesia and the Republic of the Marshall Islands on October 1, 1982 and June 25, 1983, respectively; and

Whereas the Compact of Free Association was approved by majorities of the peoples of the Federated States of Micronesia and the Marshall Islands in United Nations-observed plebiscites conducted on June 21, 1983 and September 7, 1983, respectively; and

Whereas the Compact of Free Association has been approved by the Governments of the Federated States of Micronesia and the Marshall Islands in accordance with their respective constitutional processes, thus completing fully for the Federated States of Micronesia and the Marshall Islands their domestic approval processes with respect to the Compact as contemplated in Compact Section 411: Now, therefore, be it

Post, p. 1827.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

48 USC 1681
note.

(a) **SHORT TITLE.**—This joint resolution, together with the Table of Contents in subsection (b) of this section, may be cited as the "Compact of Free Association Act of 1985".

(b) **TABLE OF CONTENTS.**—The table of contents for this joint resolution is as follows:

TITLE I—APPROVAL OF COMPACT; INTERPRETATION OF, AND UNITED STATES POLICIES REGARDING, COMPACT; SUPPLEMENTAL PROVISIONS

Sec. 101. Approval of Compact of Free Association.

- (a) Federated States of Micronesia.
- (b) Marshall Islands.
- (c) Reference to the Compact.

- (d) Amendment, Change, or Termination in the Compact and Certain Agreements.
- (e) Subsidiary Agreements Deemed Bilateral.
- (f) Effective Date.
- Sec. 102. Agreements With Federated States of Micronesia.
 - (a) Law Enforcement Assistance.
 - (b) Economic Development Plans Review Process.
 - (c) Agreement on Audits.
- Sec. 103. Agreements With and Other Provisions Related to the Marshall Islands.
 - (a) Law Enforcement Assistance.
 - (b) Economic Development Plans Review Process.
 - (c) Ejit.
 - (d) Kwajalein Payments.
 - (e) Section 177 Agreement.
 - (f) Nuclear Test Effects.
 - (g) Espousal Provisions.
 - (h) DOE Radiological Health Care Program; USDA Agricultural and Food Programs.
 - (i) Rongelap.
 - (j) Four Atoll Health Care Program.
 - (k) Enjebi Community Trust Fund.
 - (l) Bikini Atoll Cleanup.
 - (m) Agreement on Audits.
- Sec. 104. Interpretation of and United States Policy Regarding Compact of Free Association.
 - (a) Human Rights.
 - (b) Immigration.
 - (c) Nonalienation of Lands.
 - (d) Nuclear Waste Disposal.
 - (e) Impact of Compact on U.S. Areas.
 - (f) Fisheries Management.
 - (g) Foreign Loans.
- Sec. 105. Supplemental Provisions.
 - (a) Domestic Program Requirements.
 - (b) Relations With the Federated States of Micronesia and the Marshall Islands.
 - (c) Continuing Trust Territory Authorization.
 - (d) Medical Referral Debts.
 - (e) Survivability.
 - (f) Registration for Agents of Micronesian Governments.
 - (g) Noncompliance Sanctions.
 - (h) Continuing Programs and Laws.
 - (i) College of Micronesia; Education Programs.
 - (j) Trust Territory Debts to U.S. Federal Agencies.
 - (k) Use of DOD Medical Facilities.
 - (l) Technical Assistance.
 - (m) Prior Service Benefits Program.
 - (n) Indefinite Land Use Payments.
 - (o) Communicable Disease Control Program.
 - (p) Trust Funds.
 - (q) Annual Reports on Determinations Under Compact Section 313.
 - (r) User Fees.
- Sec. 106. Construction Contract Assistance.
 - (a) Assistance to U.S. Firms.
 - (b) Authorization.
- Sec. 107. Limitations.
 - (a) Prohibition.
 - (b) Termination.
- Sec. 108. Transitional Immigration Rules.
 - (a) Citizen of Northern Mariana Islands.
 - (b) Termination.
- Sec. 109. Timing.
- Sec. 110. Implementation of Audit Agreements.
 - (a) Transmission of Annual Financial Statement.
 - (b) Annual Audits By the President.
 - (c) Authority of GAO.
- Sec. 111. Compensatory Adjustments.
 - (a) Additional Programs and Services.
 - (b) Investment Development Funds.
 - (c) Board of Advisors.
 - (d) Further Amounts.

TITLE II—COMPACT OF FREE ASSOCIATION**Sec. 201. Compact of Free Association.****Title One—Governmental Relations**

Article I—Self-Government.
Article II—Foreign Affairs.
Article III—Communications.
Article IV—Immigration.
Article V—Representation.
Article VI—Environmental Protection.
Article VII—General Legal Provisions.

Title Two—Economic Relations

Article I—Grant Assistance.
Article II—Program Assistance.
Article III—Administrative Provisions.
Article IV—Trade.
Article V—Finance and Taxation.

Title Three—Security and Defense Relations

Article I—Authority and Responsibility.
Article II—Defense Facilities and Operating Rights.
Article III—Defense Treaties and International Security Agreements.
Article IV—Service in Armed Forces of the United States.
Article V—General Provisions.

Title Four—General Provisions

Article I—Approval and Effective Date.
Article II—Conference and Dispute Resolution.
Article III—Amendment.
Article IV—Termination.
Article V—Survivability.
Article VI—Definition of Terms.
Article VII—Concluding Provisions.

Sec. 202. Jurisdiction.**TITLE III—PACIFIC POLICY REPORTS**

- Sec. 301. Findings.
Sec. 302. Reports.
 (a) Submission.
 (b) Contents.
Sec. 303. Conference.
 (a) Meeting.
 (b) Participants.
 (c) Written Comments.
Sec. 304. Administrative Matters.
 (a) Administrative Support.
 (b) Authorization of Appropriations.

TITLE IV—CLARIFICATION OF CERTAIN TRADE AND TAX PROVISIONS OF THE COMPACT

- Sec. 401. Freely Associated States Tariff Treatment.
 (a) Section 242.
 (b) Section 243.
Sec. 402. Construction of Section 253 of the Compact.
Sec. 403. Construction of Section 254 of the Compact.
Sec. 404. Construction of Section 255 of the Compact.
Sec. 405. The Marshall Islands and the Federated States of Micronesia Treated as North American Area.
Sec. 406. Effective Date.
Sec. 407. Study of Tax Provisions.
Sec. 408. Coordination With Other Provisions.

TITLE V—COMPACT OF FREE ASSOCIATION WITH PALAU

- Sec. 501. Approval In Principle of the Compact.
Sec. 502. Modifications of the Compact.

TITLE I—APPROVAL OF COMPACT; INTERPRETATION OF, AND U.S. POLICIES REGARDING, COMPACT; SUPPLEMENTAL PROVISIONS

SECTION 101. APPROVAL OF COMPACT OF FREE ASSOCIATION.

48 USC 1681
note.

(a) **FEDERATED STATES OF MICRONESIA.**—The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of the Federated States of Micronesia is hereby approved, and Congress hereby consents to the subsidiary agreements as set forth on pages 115 through 391 of House Document 98-192 of March 30, 1984, as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

President of U.S.

Post, p. 1827.

(b) **MARSHALL ISLANDS.**—The Compact of Free Association set forth in title II of this joint resolution between the United States and the Government of the Marshall Islands is hereby approved, and Congress hereby consents to the subsidiary agreements as set forth on pages 115 through 391 of House Document 98-192 of March 30, 1984, as they relate to such Government. Subject to the provisions of this joint resolution, the President is authorized to agree, in accordance with section 411 of the Compact, to an effective date for and thereafter to implement such Compact, having taken into account any procedures with respect to the United Nations for termination of the Trusteeship Agreement.

President of U.S.

(c) **REFERENCE TO THE COMPACT.**—Any reference in this joint resolution to “the Compact” shall be treated as a reference to the Compact of Free Association set forth in title II of this joint resolution.

(d) **AMENDMENT, CHANGE, OR TERMINATION IN THE COMPACT AND CERTAIN AGREEMENTS.**—(1) Mutual agreement by the Government of the United States as provided in the Compact which results in amendment, change, or termination of all or any part thereof shall be effected only by Act of Congress and no unilateral action by the Government of the United States provided for in the Compact, and having such result, may be effected other than by Act of Congress.

(2) The provisions of paragraph (1) shall apply—

(A) to all actions of the Government of the United States under the Compact including, but not limited to, actions taken pursuant to sections 431, 432, 441, or 442;

Post, p. 1829.

(B) to any amendment, change, or termination in the Agreement between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(j) of the Compact and the Agreement between the Government of the United States and the Government of the Marshall Islands Concerning Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association referred to in section 462(k) of the Compact;

Post, p. 1833.

(C) to any amendment, change, or termination of the agreements concluded pursuant to Compact sections 175, 177, and

Post, pp. 1812,
1816.

221(a)(5), the terms of which are incorporated by reference into the Compact; and

(D) to the following subsidiary agreements, or portions thereof:

Post, p. 1833.

(i) Article II of the agreement referred to in section 462(a) of the Compact;

(ii) Article II of the agreement referred to in section 462(b) of the Compact;

(iii) Article II and Section 7 of Article XI of the agreement referred to in section 462(e) of the Compact;

(iv) the agreement referred to in section 462(f) of the Compact;

(v) Articles III and IV of the agreement referred to in section 462(g) of the Compact;

(vi) Articles III and IV of the agreement referred to in section 462(h) of the Compact; and

(vii) Articles VI, XV, and XVII of the agreement referred to in section 462(i) of the Compact.

(e) **SUBSIDIARY AGREEMENTS DEEMED BILATERAL.**—For purposes of implementation of the Compact and this joint resolution, each of the subsidiary agreements referred to in subsections (a) and (b) (whether or not bilateral in form) shall be deemed to be bilateral agreements between the United States and each other party to such subsidiary agreement. The consent or concurrence of any other party shall not be required for the effectiveness of any actions taken by the United States in conjunction with either the Federated States of Micronesia or the Marshall Islands which are intended to affect the implementation, modification, suspension, or termination of any such subsidiary agreement (or any provision thereof) as regards the mutual responsibilities of the United States and the party in conjunction with whom the actions are taken.

President of U.S.

(f) **EFFECTIVE DATE.**—(1) The President shall not agree to an effective date for the Compact, as authorized by this section, until after certifying to Congress that the agreements described in section 102 and section 103 of this title have been concluded.

Post, pp. 1775,
1778.

(2) Any agreement concluded with the Federated States of Micronesia or the Marshall Islands pursuant to sections 102 and 103 of this title and any agreement which would amend, change, or terminate any subsidiary agreement or portion thereof as set forth in paragraph (4) of this subsection shall be submitted to the Congress. No such agreement shall take effect until after the expiration of 30 days after the date such agreement is so submitted (excluding days on which either House of Congress is not in session).

(3) No agreement described in paragraph (2) shall take effect if a joint resolution of disapproval is enacted during the period specified in paragraph (2). For the purpose of expediting the consideration of such a joint resolution, a motion to proceed to the consideration of any such joint resolution after it has been reported by an appropriate committee shall be treated as highly privileged in the House of Representatives. Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of Public Law 94-329.

90 Stat. 765.

(4) The subsidiary agreements or portions thereof referred to in paragraph (2) are as follows:

Post, p. 1833.

(A) Articles III and IV of the agreement referred to in section 462(b) of the Compact.

(B) Articles III, IV, V, VI, VII, VIII, IX, X, and XI (except for Section 7 thereof) of the agreement referred to in section 462(e) of the Compact. *Post*, p. 1833.

(C) Articles IV, V, X, XIV, XVI, and XVIII of the agreement referred to in section 462(i) of the Compact.

(D) Articles II, V, VI, VII, and VIII of the agreement referred to in section 462(g) of the Compact.

(E) Articles II, V, VI, and VIII of the agreement referred to in section 462(h) of the Compact.

(F) The Agreement set forth on pages 388 through 391 of House Document 98-192 of March 30, 1984.

(5) No agreement between the United States and the Government of either the Federated States of Micronesia or the Marshall Islands which would amend, change, or terminate any subsidiary agreement or portion thereof, other than those set forth in subsection (d) of this section or paragraph (4) of this subsection shall take effect until the President has transmitted such agreement to the President of the Senate and the Speaker of the House of Representatives together with an explanation of the agreement and the reasons therefore.

SEC. 102. AGREEMENTS WITH FEDERATED STATES OF MICRONESIA.

48 USC 1681
note.

(a) LAW ENFORCEMENT ASSISTANCE.—

(1) AGREEMENT.—The President of the United States shall negotiate with the Government of the Federated States of Micronesia an agreement pursuant to section 175 of the Compact which is in addition to the Agreement pursuant to such section dated October 1, 1982, and transmitted to the Congress by the President on February 20, 1985. Such additional agreement shall provide as follows:

President of U.S.

Post, p. 1812.

(A) MUTUAL ASSISTANCE IN LAW ENFORCEMENT.—The law enforcement agencies of the United States and the Federated States of Micronesia shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the Federated States of Micronesia specified in subparagraph (C) of this paragraph. The United States and the Federated States of Micronesia will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Federated States of Micronesia. In conducting activities authorized in accordance with this section, the United States and the Federated States of Micronesia will act in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.

(B) NARCOTICS AND CONTROL OF ILLEGAL SUBSTANCES.—The United States and the Federated States of Micronesia will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the Attorney General or other designated official of each Government participates, to prevent the use of the lands, waters, and facilities of the United States or the Federated States of Micronesia for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 102(6) of the United States Controlled Substances Act and Schedules I through V of Subchapter II of the Controlled Substances Act of the Fed-

21 USC 802.

erated States of Micronesia, or for the distribution of any such substance to or from the Federated States of Micronesia or to or from the United States or any of its territories or commonwealths.

(C) OTHER CRIMINAL LAWS.—Assistance provided pursuant to this subsection shall also extend to, but not be limited to, the prevention and prosecution of violations of the laws of the United States and the laws of the Federated States of Micronesia related to terrorism, espionage, racketeer influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the schedule of offenses set forth in Appendix A of the subsidiary agreement to section 175 of the Compact.

Post, p. 1812.
Drugs and drug
abuse.
Post, pp. 1817,
1818.

(2) TECHNICAL AND TRAINING ASSISTANCE.—Pursuant to sections 224 and 226 of the Compact, the United States shall provide non-reimbursable technical and training assistance appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia to develop and adequately enforce laws of the Federated States of Micronesia and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(l) of this title may be used to reimburse State or local agencies providing such assistance.

Post, p. 1791.

(3) CONSULTATION.—Any official, designated by this joint resolution or by the President to negotiate any agreement under this section, shall consult with affected law enforcement agencies prior to entering into such an agreement on behalf of the United States.

President of U.S.

(4) REPORT.—The President shall report annually to Congress on the implementation of this subsection. Such report shall provide statistical and other information about the incidence of crimes in the Federated States of Micronesia which have impact upon United States jurisdictions, and propose measures which the United States and the Federated States of Micronesia should take in order better to prevent and prosecute violations of the laws of the United States and the Federated States of Micronesia. The reports required under section 481(e) of the Foreign Assistance Act of 1961 shall include relevant information concerning the Federated States of Micronesia.

Ante, p. 229.

(b) ECONOMIC DEVELOPMENT PLANS REVIEW PROCESS.—

President of U.S.
Post, p. 1813.
Ante, p. 1773.

(1) SUBMISSION.—Notwithstanding section 211(b) of the Compact, the President may agree to an effective date for the Compact pursuant to section 101(a) of this title if the Government of the Federated States of Micronesia agrees to submit economic development plans consistent with section 211(b) of the Compact to the Government of the United States for concurrence at intervals no greater than every 5 years for the duration of the Compact. Any capital construction project and any planned independent purchase of aircraft which is to be financed (directly or indirectly) through the use of funds provided under section 211 of the Compact shall be identified in the economic development plans.

Aircraft and air
carriers.

(2) UNITED STATES GOVERNMENT REVIEW.—The United States shall not concur in those development plans described in paragraph (1) of this subsection until—

(A) after the President of the United States has conducted a review and reported the findings of the President to the Congress; and

President of U.S.

(B) the Congress has had 30 days (excluding days on which both Houses of Congress are not in session) to review the findings of the President.

(3) REPORT.—The President shall complete the review under paragraph (2) and shall report the findings no later than 60 days after the President's receipt of such plans.

President of U.S.

(4) VIEWS AND COMMENTS.—The report shall include the views of the Secretary of the Interior, the Administrator of the Agency for International Development, and the heads of such other Executive departments as the President may decide to include in the report, as well as any comments which the Federated States of Micronesia may wish to have included.

(c) AGREEMENT ON AUDITS.—In accordance with section 233 of the Compact, the President of the United States, in consultation with the Comptroller General of the United States, shall negotiate with the Government of the Federated States of Micronesia modifications to the "Agreement Concerning Procedures for the Implementation of United States Economic Assistance, Programs and Services Provided in the Compact of Free Association", which shall provide as follows:

Post, p. 1819.

(1) GENERAL AUTHORITY OF THE GAO TO AUDIT.—

Grants.

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Federated States of Micronesia under Articles I and II of Title Two of the Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Federated States of Micronesia.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 233 of the Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

Post, p. 1819.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) GAO ACCESS TO RECORDS.—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Federated States of Micronesia.

(3) REPRESENTATIVE STATUS FOR GAO REPRESENTATIVES.—The Comptroller General and his duly authorized representatives shall be accorded the status set forth in Article V of Title One of the Compact.

(4) ANNUAL FINANCIAL STATEMENTS.—As part of the annual report submitted by the Government of the Federated States of Micronesia under section 211 of the Compact, the Government shall include annual financial statements which account for the use of all of the funds provided by the Government of the United States to the Government under the Compact or otherwise. Such financial statements shall be prepared in accordance with generally accepted accounting procedures, except as may otherwise be mutually agreed. Not later than 180 days after the end of the United States fiscal year with respect to which such funds were provided, each such statement shall be submitted to the President for audit and transmission to the Congress.

(5) DEFINITION OF AUDITS.—As used in this subsection, the term "audits" includes financial, program, and management audits, including determining—

(A) whether the Government of the Federated States of Micronesia has met the requirements set forth in the Compact, or any related agreement entered into under the Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Federated States of Micronesia pursuant to such grants or assistance.

(6) COOPERATION BY FEDERATED STATES OF MICRONESIA.—The Government of the Federated States of Micronesia will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

48 USC 1681
note.

SEC. 103. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE MARSHALL ISLANDS.

(a) LAW ENFORCEMENT ASSISTANCE.—

President of U.S.

(1) AGREEMENT.—The President of the United States shall negotiate with the Government of the Marshall Islands an agreement pursuant to section 175 of the Compact which is in addition to the Agreement pursuant to such section dated May 30, 1982, and transmitted to the Congress by the President on February 20, 1985. Such additional agreement shall provide as follows:

Post, p. 1812.

(A) MUTUAL ASSISTANCE IN LAW ENFORCEMENT.—The law enforcement agencies of the United States and the Marshall Islands shall assist one another, as mutually agreed, in the prevention and investigation of crimes and the enforcement of the laws of the United States and the

Marshall Islands specified in subparagraph (C) of this paragraph. The United States and the Marshall Islands will authorize mutual assistance with respect to investigations, inquiries, audits and related activities by the law enforcement agencies of both Governments in the United States and the Marshall Islands. In conducting activities authorized in accordance with this section, the United States and the Marshall Islands will act in accordance with the constitution and laws of the jurisdiction in which such activities are conducted.

(B) **NARCOTICS AND CONTROL OF ILLEGAL SUBSTANCES.**—The United States and the Marshall Islands will take all reasonable and necessary steps, as mutually agreed, based upon consultations in which the Attorney General or other designated official of each Government participates, to prevent the use of the lands, waters, and facilities of the United States or the Marshall Islands for the purposes of cultivation of, production of, smuggling of, trafficking in, and abuse of any controlled substance as defined in section 102(6) of the United States Controlled Substances Act and Schedules I through V of Subchapter II of the Controlled Substances Act of the Marshall Islands, or for the distribution of any such substance to or from the Marshall Islands or to or from the United States or any of its territories or commonwealths.

21 USC 802.

(C) **OTHER CRIMINAL LAWS.**—Assistance provided pursuant to this subsection shall also extend to, but not be limited to, prevention and prosecution of violations of the laws of the United States and the laws of the Marshall Islands related to terrorism, espionage, racketeer influenced and corrupt organizations, and financial transactions which advance the interests of any person engaging in unlawful activities, as well as the schedule of offenses set forth in Appendix A of the subsidiary agreement to section 175 of the Compact.

Post, p. 1812.
Drugs and drug abuse.
Post, pp. 1817, 1818.

(2) **TECHNICAL AND TRAINING ASSISTANCE.**—Pursuant to sections 224 and 226 of the Compact, the United States shall provide non-reimbursable technical and training assistance as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Marshall Islands to develop and adequately enforce laws of the Marshall Islands and to cooperate with the United States in the enforcement of criminal laws of the United States. Funds appropriated pursuant to section 105(l) of this title may be used to reimburse State or local agencies providing such assistance.

Post, p. 1791.

(3) **CONSULTATION.**—Any official, designated by this joint resolution or by the President to negotiate any agreement under this section, shall consult with affected law enforcement agencies prior to entering into such an agreement on behalf of the United States.

(4) **REPORT.**—The President shall report annually to Congress on the implementation of this subsection. Such report shall provide statistical and other information about the incidence of crimes in the Marshall Islands which have an impact upon United States jurisdictions, and propose measures which the United States and the Marshall Islands should take in order better to prevent and prosecute violations of the laws of the

President of U.S.

United States and the Marshall Islands. The reports required under section 481(e) of the Foreign Assistance Act of 1961 shall include relevant information concerning the Marshall Islands.

(b) ECONOMIC DEVELOPMENT PLANS REVIEW PROCESS.—

(1) SUBMISSION.—Notwithstanding section 211(b) of the Compact, the President may agree to an effective date for the Compact pursuant to section 101(b) of this title if the Government of the Marshall Islands agrees to submit economic development plans consistent with section 211(b) of the Compact to the Government of the United States for concurrence at intervals no greater than every 5 years for the duration of the Compact. Any capital construction project and any planned independent purchase of aircraft which is to be financed (directly or indirectly) through the use of funds provided under section 211 of the Compact shall be identified in the economic development plans.

(2) UNITED STATES GOVERNMENT REVIEW.—The United States shall not concur in those development plans described in paragraph (1) of this subsection until—

(A) after the President of the United States has conducted a review and reported the findings of the President to the Congress; and

(B) the Congress has had 30 days (excluding days on which both Houses of Congress are not in session) to review the findings of the President.

(3) REPORT.—The President shall complete the review under paragraph (2) and shall report the findings no later than 60 days after the President's receipt of such plans.

(4) VIEWS AND COMMENTS.—The report shall include the views of the Secretary of the Interior, the Administrator of the Agency for International Development, and the heads of such other Executive departments as the President may decide to include in the report, as well as any comments which the Marshall Islands may wish to have included.

(c) EJIT.—(1) The President of the United States shall negotiate with the Government of the Marshall Islands an agreement whereby, without prejudice as to any claims which have been or may be asserted by any party as to rightful title and ownership of any lands on Ejit, the Government of the Marshall Islands shall assure that lands on Ejit used as of January 1, 1985, by the people of Bikini, will continue to be available without charge for their use, until such time as Bikini is restored and inhabitable and the continued use of Ejit is no longer necessary, unless a Marshall Islands court of competent jurisdiction finally determines that there are legal impediments to continued use of Ejit by the people of Bikini.

(2) If the impediments described in paragraph (1) do arise, the United States will cooperate with the Government of the Marshall Islands in assisting any person adversely affected by such judicial determination to remain on Ejit, or in locating suitable and acceptable alternative lands for such person's use.

(3) Paragraph (1) shall not be applied in a manner which would prevent the Government of the Marshall Islands from acting in accordance with its constitutional processes to resolve title and ownership claims with respect to such lands or from taking substitute or additional measures to meet the needs of the people of Bikini with their democratically expressed consent and approval.

(d) KWAJALEIN PAYMENTS.—

Ante, p. 229.

Post, p. 1813.
Ante, p. 1773.

Aircraft and air
carriers.

President of U.S.

President of U.S.

Report.

President of U.S.
Claims.

(1) **STATEMENT OF POLICY.**—The Congress of the United States hereby declares that it is the policy of the United States that payment of funds by the Government of the Marshall Islands to the landowners of Kwajalein Atoll in accordance with the land use agreement dated October 19, 1982, and the related allocation agreements, is required in order to ensure that the Government of the United States will be able to fulfill its obligations and responsibilities under Title Three of the Compact and the subsidiary agreements concluded pursuant thereto.

(2) **FAILURE TO PAY.**—In the event that the Government of the Marshall Islands fails to make payments in accordance with paragraph (1) of this subsection, the Government of the United States shall initiate procedures under Section 313 of the Compact and consult with the Government of the Marshall Islands with respect to the basis for such non-payment of funds. The United States shall expeditiously resolve the matter of any non-payment of funds as described in paragraph (1) of this subsection pursuant to Section 313 of the Compact and the authority and responsibility of the Government of the United States for security and defense matters in or relating to the Marshall Islands. This paragraph shall be enforced, as may be necessary, in accordance with section 105(g)(2) of this joint resolution.

Post, p. 1822.

(3) **ASSISTANCE.**—The President is hereby authorized to make loans and grants to the Government of the Marshall Islands for the sole use of the Kwajalein Atoll Development Authority for the benefit of the Kwajalein landowners of amounts sought by such authority for development purposes, pursuant to a development plan for Kwajalein Atoll which such authority has adopted in accordance with applicable laws of the Marshall Islands. Such loans and grants shall be subject to such other terms and conditions as the President, in his discretion, may determine appropriate and necessary.

Post, p. 1791.

President of U.S.
Loans.
Grants.

(e) **SECTION 177 AGREEMENT.**—(1) In furtherance of the purposes of Article I of the Subsidiary Agreement for Implementation of Section 177 of the Compact, the payment of the amount specified therein shall be made by the United States under Article I of the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") only after the Government of the Marshall Islands has notified the President of the United States as to which investment management firm has been selected by such Government to act as Fund Manager under Article I of the Section 177 Agreement.

Post, p. 1812.

(2) In the event that the President determines that an investment management firm selected by the Government of the Marshall Islands does not meet the requirements specified in Article I of the Section 177 Agreement, the United States shall invoke the conference and dispute resolution procedures of Article II of Title Four of the Compact. Pending the resolution of such a dispute and until a qualified Fund Manager has been designated, the Government of the Marshall Islands shall place the funds paid by the United States pursuant to Article I of the Section 177 Agreement into an interest-bearing escrow account. Upon designation of a qualified Fund Manager, all funds in the escrow account shall be transferred to the control of such Fund Manager for management pursuant to the Section 177 Agreement.

(3) If the Government of the Marshall Islands determines that some other investment firm should act as Fund Manager in place of the firm first (or subsequently) selected by such Government, the Government of the Marshall Islands shall so notify the President of the United States, identifying the firm selected by such Government to become Fund Manager, and the President shall proceed to evaluate the qualifications of such identified firm.

(4) At the end of 15 years after the effective date of the Compact, the firm then acting as Fund Manager shall transfer to the Government of the Marshall Islands, or to such account as such Government shall so notify the Fund Manager, all remaining funds and assets being managed by the Fund Manager under the Section 177 Agreement.

(5) An annual report concerning all actions of the Fund Manager pursuant to the Section 177 Agreement and this joint resolution, including information prepared by the Fund Manager, shall be transmitted by the Government of the Marshall Islands to the Congress. Such report shall include such information (whether received from the Fund Manager or any other source) as relates to the disbursements provided for in Article II of the Section 177 Agreement. Such report shall be made public.

(f) **NUCLEAR TEST EFFECTS.**—In approving the Compact, the Congress understands and intends that the peoples of Bikini, Enewetak, Rongelap, and Utrik, who were affected by the United States nuclear weapons testing program in the Marshall Islands, will receive the amounts of \$75,000,000 (Bikini); \$48,750,000 (Enewetak), \$37,500,000 (Rongelap); and \$22,500,000 (Utrik), respectively, which amounts shall be paid out of proceeds from the fund established under Article I, section 1 of the subsidiary agreement for the implementation of section 177 of the Compact. The amounts specified in this subsection shall be in addition to any amounts which may be awarded to claimants pursuant to Article IV of the subsidiary agreement for the implementation of Section 177 of the Compact.

(g) **ESPOUSAL PROVISIONS.**—(1) It is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be terminated and barred except insofar as provided for in the Section 177 Agreement.

(2) In furtherance of the intention of Congress as stated in paragraph (1) of this subsection, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X.

(h) **DOE RADIOLOGICAL HEALTH CARE PROGRAM; USDA AGRICULTURAL AND FOOD PROGRAMS.**—

(1) **MARSHALL ISLANDS PROGRAM.**—Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, the President (either through an appropriate

Ante, p. 1781.
Report.
Public
availability.

Hazardous
materials.

Post, p. 1812.

department or agency of the United States or by contract with a United States firm) shall continue to provide special medical care and logistical support thereto for the remaining 174 members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermonuclear "Bravo" test, pursuant to Public Laws 95-134 and 96-205. Such medical care and its accompanying logistical support shall total \$22,500,000 over the first 11 years of the Compact.

91 Stat. 1159.

94 Stat. 84.

(2) AGRICULTURAL AND FOOD PROGRAMS.—Notwithstanding any other provision of law, upon the request of the Government of the Marshall Islands, for the first five years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm) shall provide technical and other assistance—

President of U.S.

(A) without reimbursement, to continue the planting and agricultural maintenance program on Enewetak;

(B) without reimbursement, to continue the food programs of the Bikini and Enewetak people described in section 1(d) of Article II of the Subsidiary Agreement for the Implementation of Section 177 of the Compact and for continued waterborne transportation of agricultural products to Enewetak including operations and maintenance of the vessel used for such purposes.

Post, p. 1812.

(3) PAYMENTS.—Payments under this subsection shall be provided to such extent or in such amounts as are necessary for services and other assistance provided pursuant to this subsection. It is the sense of Congress that after the periods of time specified in paragraphs (1) and (2) of this subsection, consideration will be given to such additional funding for these programs as may be necessary.

(i) RONGELAP.—(1) Because Rongelap was directly affected by fallout from a 1954 United States thermonuclear test and because the Rongelap people remain unconvinced that it is safe to continue to live on Rongelap Island, it is the intent of Congress to take such steps (if any) as may be necessary to overcome the effects of such fallout on the habitability of Rongelap Island, and to restore Rongelap Island, if necessary, so that it can be safely inhabited. Accordingly, it is the expectation of the Congress that the Government of the Marshall Islands shall use such portion of the funds specified in Article II, section 1(e) of the subsidiary agreement for the implementation of section 177 of the Compact as are necessary for the purpose of contracting with a qualified scientist or group of scientists to review the data collected by the Department of Energy relating to radiation levels and other conditions on Rongelap Island resulting from the thermonuclear test. It is the expectation of the Congress that the Government of the Marshall Islands, after consultation with the people of Rongelap, shall select the party to review such data, and shall contract for such review and for submission of a report to the President of the United States and the Congress as to the results thereof.

Hazardous materials. Contracts.

Post, p. 1812.

Report.

Report.

(2) The purpose of the review referred to in paragraph (1) of this subsection shall be to establish whether the data cited in support of the conclusions as to the habitability of Rongelap Island, as set forth in the Department of Energy report entitled: "The Meaning of Radiation for Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978", dated November 1982, are

adequate and whether such conclusions are fully supported by the data. If the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report as to habitability of Rongelap Island shall be returned to the President of the United States and the Congress shall so state. If the party reviewing the data concludes that the data are inadequate to support such conclusions as to habitability or that such conclusions as to habitability are not fully supported by the data, the Government of the Marshall Islands shall contract with an appropriate scientist or group of scientists to undertake a complete survey of radiation and other effects of the nuclear testing program relating to the habitability of Rongelap Island. Such sums as are necessary for such survey and report concerning the results thereof and as to steps needed to restore the habitability of Rongelap Island are authorized to be made available to the Government of the Marshall Islands.

(3) It is the intent of Congress that such steps (if any) as are necessary to restore the habitability of Rongelap Island and return the Rongelap people to their homeland will be taken by the United States in consultation with the Government of the Marshall Islands and, in accordance with its authority under the Constitution of the Marshall Islands, the Rongelap local government council.

Hazardous
materials.

Ante, p. 1781.

91 Stat. 1159.
94 Stat. 84.

(j) **FOUR ATOLL HEALTH CARE PROGRAM.**—(1) Services provided by the United States Public Health Service or any other United States agency pursuant to section 1(a) of Article II of the Agreement for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the "Section 177 Agreement") shall be on for services to the people of the Atolls of Bikini, Enewetak, Rongelap, and Utrik who were affected by the consequences of the United States nuclear testing program, pursuant to the program described in Public Law 95-134 and Public Law 96-205 and the descendants (and any other persons identified as having been affected if such identification occurs in the manner described in such public laws). Nothing in this subsection shall be construed prejudicial to the views or policies of the Government of the Marshall Islands as to the persons affected by the consequences of the United States nuclear testing program.

(2) At the end of the first year after the effective date of the Compact and at the end of each year thereafter, the providing agency or agencies shall return to the Government of the Marshall Islands any unexpended funds to be returned to the Fund Manager (as described in Article I of the Section 177 Agreement) to be covered into the Fund to be available for future use.

(3) The Fund Manager shall retain the funds returned by the Government of the Marshall Islands pursuant to paragraph (2) of this subsection, shall invest and manage such funds, and at the end of 15 years after the effective date of the Compact, shall make from the total amount so retained and the proceeds thereof annual disbursements sufficient to continue to make payments for the provision of health services as specified in paragraph (1) of this subsection to such extent as may be provided in contracts between the Government of the Marshall Islands and appropriate United States providers of such health services.

Hazardous
materials.

Post, p. 1812.

(k) **ENJEBI COMMUNITY TRUST FUND.**—Notwithstanding any other provision of law, the Secretary of the Treasury shall establish on the books of the Treasury of the United States a fund having the status specified in Article V of the subsidiary agreement for the implementation of Section 177 of the Compact, to be known as

"Enjebi Community Trust Fund" (hereafter in this subsection referred to as the "Fund"), and shall credit to the Fund the amount of \$7,500,000. Such amount, which shall be ex gratia, shall be in addition to and not charged against any other funds provided for in the Compact and its subsidiary agreements, this joint resolution, or any other Act. Upon receipt by the President of the United States of the agreement described in this subsection, the Secretary of the Treasury, upon request of the Government of the Marshall Islands, shall transfer the Fund to the Government of the Marshall Islands, provided that the Government of the Marshall Islands agrees as follows:

(1) **ENJEBI TRUST AGREEMENT.**—The Government of the Marshall Islands and the Enewetak Local Government Council, in consultation with the people of Enjebi, shall provide for the creation of the Enjebi Community Trust Fund and the employment of the manager of the Enewetak Fund established pursuant to the Section 177 Agreement as trustee and manager of the Enjebi Community Trust Fund, or, should the manager of the Enewetak Fund not be acceptable to the people of Enjebi, another United States investment manager with substantial experience in the administration of trusts and with funds under management in excess of 250 million dollars.

Ante, p. 1781.

(2) **MONITOR CONDITIONS.**—Upon the request of the Government of the Marshall Islands, the United States shall monitor the radiation and other conditions on Enjebi and within one year of receiving such a request shall report to the Government of the Marshall Islands when the people of Enjebi may resettle Enjebi under circumstances where the radioactive contamination at Enjebi, including contamination derived from consumption of locally grown food products, can be reduced or otherwise controlled to meet whole body Federal radiation protection standards for the general population, including mean annual dose and mean 30-year cumulative dose standards.

(3) **RESETTLEMENT OF ENJEBI.**—In the event that the United States determines that the people of Enjebi can within 25 years of the date of the enactment of this joint resolution resettle Enjebi under the conditions set forth in paragraph (2) of this subsection, then upon such determination there shall be available to the people of Enjebi from the Fund such amounts as are necessary for the people of Enjebi to do the following, in accordance with a plan developed by the Enewetak Local Government Council and the people of Enjebi, and concurred with by the Government of the Marshall Islands to assure consistency with the government's overall economic development plan:

(A) Establish a community on Enjebi Island for the use of the people of Enjebi.

(B) Replant Enjebi with appropriate food-bearing and other vegetation.

(4) **RESETTLEMENT OF OTHER LOCATION.**—In the event that the United States determines that within 25 years of the date of the enactment of this joint resolution the people of Enjebi cannot resettle Enjebi without exceeding the radiation standards set forth in paragraph (2) of this subsection, then the fund manager shall be directed by the trust instrument to distribute the Fund to the people of Enjebi for their resettlement at some other location in accordance with a plan, developed by the Enewetak Local Government Council and the people of Enjebi and con-

curred with by the Government of the Marshall Islands, to assure consistency with the government's overall economic development plan.

(5) **INTEREST FROM FUND.**—Prior to and during the distribution of the corpus of the Fund pursuant to paragraphs (3) and (4) of this subsection, the people of Enjebi may, if they so request, receive the interest earned by the Fund on no less frequent a basis than quarterly.

(6) **DISCLAIMER OF LIABILITY.**—Neither under the laws of the Marshall Islands nor under the laws of the United States, shall the Government of the United States be liable for any loss or damage to person or property in respect to the resettlement of Enjebi by the people of Enjebi, pursuant to the provision of this subsection or otherwise.

(l) **BIKINI ATOLL CLEANUP.**—

(1) **DECLARATION OF POLICY.**—The Congress hereby determines and declares that it is the policy of the United States, to be supported by the full faith and credit of the United States, that because the United States, through its nuclear testing and other activities, rendered Bikini Atoll unsafe for habitation by the people of Bikini, the United States will fulfill its responsibility for restoring Bikini Atoll to habitability, as set forth in paragraphs (2) and (3) of this subsection.

(2) **CLEANUP FUNDS.**—There are hereby authorized to be appropriated such sums as are necessary to implement the settlement agreement of March 15, 1985, in *The People of Bikini, et al. against United States of America, et al.*, Civ. No. 84-0425 (D. Ha.).

Ante, p. 1781. (3) **CONDITIONS OF FUNDING.**—The funds referred to in paragraph (2) shall be made available pursuant to Article VI, Section 1 of the Compact Section 177 Agreement upon completion of the events set forth in the settlement agreement referred to in paragraph (2) of this subsection.

Post, p. 1819. (m) **AGREEMENT ON AUDITS.**—In accordance with section 233 of the Compact, the President of the United States, in consultation with the Comptroller General of the United States, shall negotiate with the Government of the Marshall Islands an agreement which shall provide as follows:

(1) **GENERAL AUTHORITY OF THE GAO TO AUDIT.**—

(A) The Comptroller General of the United States (and his duly authorized representatives) shall have the authority to audit—

(i) all grants, program assistance, and other assistance provided to the Government of the Marshall Islands under Articles I and II of Title Two of the Compact; and

(ii) any other assistance provided by the Government of the United States to the Government of the Marshall Islands.

Such authority shall include authority for the Comptroller General to conduct or cause to be conducted any of the audits provided for in section 233 of the Compact. The authority provided in this paragraph shall continue for at least three years after the last such grant has been made or assistance has been provided.

(B) The Comptroller General (and his duly authorized representatives) shall also have authority to review any

audit conducted by or on behalf of the Government of the United States. In this connection, the Comptroller General shall have access to such personnel and to such records, documents, working papers, automated data and files, and other information relevant to such review.

(2) GAO ACCESS TO RECORDS.—

(A) In carrying out paragraph (1), the Comptroller General (and his duly authorized representatives) shall have such access to the personnel and (without cost) to records, documents, working papers, automated data and files, and other information relevant to such audits. The Comptroller General may duplicate any such records, documents, working papers, automated data and files, or other information relevant to such audits.

(B) Such records, documents, working papers, automated data and files, and other information regarding each such grant or other assistance shall be maintained for at least three years after the date such grant or assistance was provided and in a manner that permits such grants, assistance, and payments to be accounted for distinct from any other funds of the Government of the Marshall Islands.

(3) REPRESENTATIVE STATUS FOR GAO REPRESENTATIVES.—The Comptroller General and his duly authorized representatives shall be accorded the status set forth in Article V of Title One of the Compact.

(4) ANNUAL FINANCIAL STATEMENTS.—As part of the annual report submitted by the Government of the Marshall Islands under section 211 of the Compact, the Government shall include annual financial statements which account for the use of all of the funds provided by the Government of the United States to the Government under the Compact or otherwise. Such financial statements shall be prepared in accordance with generally accepted accounting procedures, except as may otherwise be mutually agreed. Not later than 180 days after the end of the United States fiscal year with respect to which such funds were provided, each such statement shall be submitted to the President for audit and transmission to the Congress.

Post, p. 1813.

(5) DEFINITION OF AUDITS.—As used in this subsection, the term “audits” includes financial, program, and management audits, including determining—

(A) whether the Government of the Marshall Islands has met the requirements set forth in the Compact, or any related agreement entered into under the Compact, regarding the purposes for which such grants and other assistance are to be used; and

(B) the propriety of the financial transactions of the Government of the Marshall Islands pursuant to such grants or assistance.

(6) COOPERATION BY MARSHALL ISLANDS.—The Government of the Marshall Islands will cooperate fully with the Comptroller General of the United States in the conduct of such audits as the Comptroller General determines necessary to enable the Comptroller General to fully discharge his responsibilities under this joint resolution.

48 USC 1681
note.

Report.

22 USC 2151n,
2304.

Post, p. 1804.

Post, p. 1823.

President of U.S.

SEC. 104. INTERPRETATION OF AND UNITED STATES POLICY REGARDING COMPACT OF FREE ASSOCIATION.

(a) **HUMAN RIGHTS.**—In approving the Compact, the Congress notes the conclusion in the Statement of Intent of the Report of the Future Political Status Commission of the Congress of Micronesia of July, 1969, that “our recommendation of a free associated state indissolubly linked to our desire for such a democratic, representative, constitutional government” and notes that such desire and intention are reaffirmed and embodied in the Constitutions of the Federated States of Micronesia and the Marshall Islands. The Congress also notes and specifically endorses the preamble to the Compact, which affirms that the governments of the parties to the Compact are founded upon respect for human rights and fundamental freedoms for all. The Secretary of State shall include in the annual reports on the status of internationally recognized human rights in foreign countries, which are submitted to the Congress pursuant to sections 116 and 502B of the Foreign Assistance Act of 1961, a full and complete report regarding the status of internationally recognized human rights in the Federated States of Micronesia and the Marshall Islands.

(b) **IMMIGRATION.**—The rights of a bona fide naturalized citizen of the Marshall Islands or the Federated States of Micronesia to enter the United States, to lawfully engage therein in occupations, and to establish residence therein as a non-immigrant, pursuant to the provisions of section 141(a)(3) of the Compact, shall not extend to any such naturalized citizen with respect to whom circumstances associated with the acquisition of the status of a naturalized citizen are such as to allow a reasonable inference, on the part of appropriate officials of the United States and subject to United States procedural requirements, that such naturalized status was acquired primarily in order to obtain such rights.

(c) **NONALIENATION OF LANDS.**—The Congress endorses and encourages the maintenance of the policies of the Government of the Federated States of Micronesia and the Government of the Marshall Islands to regulate, in accordance with their Constitutions and laws, the alienation of permanent and long-term interests in real property so as to restrict the acquisition of such interests by persons of Federated States of Micronesia citizenship and Marshall Islands citizenship, respectively.

(d) **NUCLEAR WASTE DISPOSAL.**—In approving the Compact, the Congress understands that the Government of the Federated States of Micronesia and the Government of the Marshall Islands will not permit any other government or any nongovernmental party to conduct, in the Marshall Islands or in the Federated States of Micronesia, any of the activities specified in subsection (a) of section 314 of the Compact.

(e) **IMPACT OF COMPACT ON U.S. AREAS.**—

(1) **STATEMENT OF CONGRESSIONAL INTENT.**—In approving the Compact, it is not the intent of the Congress to cause or to incur any adverse consequences for the United States territories and commonwealths or the State of Hawaii.

(2) **ANNUAL REPORTS AND RECOMMENDATIONS.**—One year after the date of enactment of this joint resolution and at one year intervals thereafter, the President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.

Reports submitted pursuant to this paragraph (hereafter in this subsection referred to as "reports") shall identify any adverse consequences resulting from the Compact and shall make recommendations for corrective action to eliminate those consequences. The reports shall pay particular attention to matters relating to trade, taxation, immigration, labor laws, minimum wages, social systems and infrastructure, and environmental regulation. With regard to immigration, the reports shall include statistics concerning the number of persons availing themselves of the rights described in section 141(a) of the Compact during the year covered by each report. With regard to trade, the reports shall include an analysis of the impact on the economy of American Samoa resulting from imports of canned tuna into the United States from the Federated States of Micronesia and the Marshall Islands.

Imports.
Tuna fish.
Post, p. 1804.

(3) **OTHER VIEWS.**—In preparing the reports, the President shall request the views of the Government of the State of Hawaii, and the governments of each of the United States territories and commonwealths, the Federated States of Micronesia, the Marshall Islands, and Palau, and shall transmit the full text of any such views to the Congress as part of such reports.

President of U.S.
Report.

(4) **COMMITMENT OF CONGRESS TO REDRESS ADVERSE CONSEQUENCES.**—The Congress hereby declares that, if any adverse consequences to United States territories and commonwealths or the State of Hawaii result from implementation of the Compact of Free Association, the Congress will act sympathetically and expeditiously to redress those adverse consequences.

(5) **DEFINITION OF U.S. TERRITORIES AND COMMONWEALTHS.**—As used in this subsection, the term "United States territories and commonwealths" means the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) **IMPACT COSTS.**—There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, such sums as may be necessary to cover the costs, if any, incurred by the State of Hawaii, the territories of Guam and American Samoa, and the Commonwealth of the Northern Mariana Islands resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia.

(f) **FISHERIES MANAGEMENT.**—In clarification of Title One, Article section 121(b)(1) of the Compact:

Post, p. 1801.

(1) Nothing in the Compact or this joint resolution shall be interpreted as recognition by the United States of any claim by the Federated States of Micronesia or by the Marshall Islands to jurisdiction or authority over highly migratory species of fish during the time such species of fish are found outside the territorial sea of the Federated States of Micronesia or the Marshall Islands.

(2) It is the understanding of Congress that none of the monies made available pursuant to the Compact or this joint resolution will be used by either the Federated States of Micronesia or the Marshall Islands for enforcement actions against any vessel of the United States on the basis of fishing by any such vessel for highly migratory species of fish outside the territorial sea of the

Vessels.

Federated States of Micronesia or the Marshall Islands, respectively, in the absence of a licensing agreement.

(3) Appropriate United States officials shall apply the policies and provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Fishermen's Protective Act of 1967 (22 U.S.C. 1971 et seq.) with regard to any action taken by the Federated States of Micronesia or the Marshall Islands affecting any vessel of the United States engaged in fishing for highly migratory species of fish in waters outside the territorial seas of the Federated States of Micronesia or the Marshall Islands, respectively. For the purpose of applying the provisions of section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975), monies made available to either the Federated States of Micronesia or the Marshall Islands pursuant to the provisions of the Compact or this joint resolution shall be treated as "assistance to the government of such country under the Foreign Assistance Act of 1961". For purposes of this Act only, certification by the President in accordance with such section 5 shall be accompanied by a report to Congress on the basis for such certification, and such certification shall have no effect if by law Congress so directs prior to the expiration of 60 days during which Congress is in continuous session following the date of such certification.

(4) For the purpose of paragraphs (1) and (3) of this subsection—

(A) The term "vessel of the United States" has the same meaning as provided in the first section of the Fishermen's Protective Act of 1967 (22 U.S.C. 1971).

(B) The terms "fishing" and "highly migratory species" have the same meanings as provided in paragraphs (10) and (14), respectively, of section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(10) and (14)).

(5)(A) It is the policy of the United States of America—

(i) to negotiate and conclude with the governments of the Central, Western, and South Pacific Ocean, including the Federated States of Micronesia and the Marshall Islands, a regional licensing agreement setting forth agreed terms of access for United States tuna vessels fishing in the region; and

(ii) that such an agreement should overcome existing jurisdictional differences and provide for a mutually beneficial relationship between the United States and the Pacific Island States that will promote the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean and the economic development of the region.

(B) At such time as an agreement referred to in subparagraph (A) is submitted to the Senate for advice and consent to ratification, the Secretary of State, after consultation with the Secretary of Commerce and other interested agencies and concerned governments, shall submit to the Congress a proposed long term regional fisheries development program which may include, but not be limited to—

(i) exploration for, and stock assessment of, tuna and other fish;

(ii) improvement of harvesting techniques;

22 USC 2151
note.

- (iii) gear development;
- (iv) biological resource monitoring;
- (v) education and training in the field of fisheries; and
- (vi) regional and direct bilateral assistance in the field of fisheries.

g) **FOREIGN LOANS.**—The Congress hereby reaffirms the United States position that the United States Government is not responsible for foreign loans or debt obtained by the Governments of the Federated States of Micronesia and the Marshall Islands.

C. 105. SUPPLEMENTAL PROVISIONS.

a) **DOMESTIC PROGRAM REQUIREMENTS.**—Except as may otherwise provided in this joint resolution, all United States Federal programs and services extended to or operated in the Federated States of Micronesia or the Marshall Islands are and shall remain subject to all applicable criteria, standards, reporting requirements, auditing procedures, and other rules and regulations applicable to such programs when operating in the United States (including its territories and commonwealths).

b) **RELATIONS WITH THE FEDERATED STATES OF MICRONESIA AND THE MARSHALL ISLANDS.**—

(1) The United States representatives to the Federated States of Micronesia and the Republic of the Marshall Islands pursuant to Article V of title I of the Compact shall be appointed by the President with the advice and consent of the Senate, and shall be under the supervision of the Secretary of State, who shall have responsibility for government to government relations between the United States and the Government with respect to whom they are appointed, consistent with the authority of the Secretary of the Interior as set forth in this section.

(2) Appropriations made pursuant to the Compact or any other provision of this joint resolution may be made only to the Secretary of the Interior, who shall coordinate and monitor any program or activity provided to the Federated States of Micronesia or the Republic of the Marshall Islands by departments and agencies of the Government of the United States and related economic development planning pursuant to the Compact or pursuant to any other authorization except for the provisions of sections 161(e), 313, and 351 of the Compact and the authorization of the President to agree to an effective date pursuant to this resolution. Funds appropriated to the Secretary of the Interior pursuant to this paragraph shall not be allocated to other Departments or agencies.

(3) All programs and services provided to the Federated States of Micronesia and the Republic of the Marshall Islands by Federal agencies may be provided only after consultation with and under the supervision of the Secretary of the Interior, and the head of each Federal agency is directed to cooperate with the Secretary of the Interior and to make such personnel and services available as the Secretary of the Interior may request.

(4) Any United States Government personnel assigned, on a temporary or permanent basis, to either the Federated States of Micronesia or the Marshall Islands shall, during the period of such assignment, be subject to the supervision of the United States representative to that area.

(5) The President is hereby authorized to appoint an Inter-agency Group on Freely Associated States' Affairs to provide

48 USC 1681
note.

Post, pp. 1807,
1822, 1825.

President of U.S.

policy guidance to federal departments and agencies. Such interagency group shall include the Secretary of the Interior and the Secretary of State.

48 USC 1681
note.

(c) **CONTINUING TRUST TERRITORY AUTHORIZATION.**—The authorization provided by the Act of June 30, 1954, as amended (68 Stat. 330) shall remain available after the effective date of the Compact with respect to the Federated States of Micronesia and the Marshall Islands for the following purposes:

(1) Prior to October 1, 1986, for any purpose authorized by the Compact or this joint resolution.

(2) Transition purposes, including but not limited to, completion of projects and fulfillment of commitments or obligations upon termination of the Trust Territory Government and termination of the High Court; health and education as a result of exceptional circumstances; ex gratia contributions for the populations of Bikini, Enewetak, Rongelap, and Utrik; and technical assistance and training in financial management, program administration, and maintenance of infrastructure.

(d) **MEDICAL REFERRAL DEBTS.**—

Post, p. 1816.

(1) **FEDERATED STATES OF MICRONESIA.**—In addition to the funds provided in Title Two, Article II, section 221(b) of the Compact, following approval of the Compact with respect to the Federated States of Micronesia, the United States shall make available to the Government of the Federated States of Micronesia such sums as may be necessary for the payment of the obligations incurred for the use of medical facilities in the United States, including any territories and commonwealths, by citizens of the Federated States of Micronesia before September 1, 1985.

(2) **MARSHALL ISLANDS.**—In addition to the funds provided in Title Two, Article II, section 221(b) of the Compact, following approval of the Compact with respect to the Marshall Islands, the United States shall make available to the Government of the Marshall Islands such sums as may be necessary for the payment of the obligations incurred for the use of medical facilities in the United States, its territories and commonwealths by citizens of the Marshall Islands before September 1, 1985.

President of U.S.

(3) **USE OF FUNDS.**—In making funds available pursuant to this subsection, the President shall take such actions as he deems necessary to assure that the funds are used only for the payment of the medical expenses described in paragraph (1) of this subsection, as the case may be.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

Post, p. 1830.

(e) **SURVIVABILITY.**—In furtherance of the provisions of Title Four, Article V, sections 452 and 453 of the Compact, any provisions of the Compact which remain effective after the termination of the Compact by the act of any party thereto and which are affected in any manner by provisions of this title shall remain subject to such provisions.

(f) **REGISTRATION FOR AGENTS OF MICRONESIAN GOVERNMENTS.**—

Post, p. 1807.

(1) **IN GENERAL.**—Notwithstanding the provisions of Title One, Article V, section 153 of the Compact, after approval of the Compact any citizen of the United States who, without authority of the United States, acts as the agent of the Government

the Marshall Islands or the Federated States of Micronesia with regard to matters specified in the provisions of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) that apply with respect to an agent of a foreign principal shall be subject to the requirements of such Act. Failure to comply with such requirements shall subject such citizen to the same penalties and provisions of law as apply in the case of the failure of such an agent of a foreign principal to comply with such requirements. For purposes of the Foreign Agents Registration Act of 1938, the Federated States of Micronesia and the Marshall Islands shall be considered to be foreign countries.

(2) **EXCEPTION.**—Paragraph (1) of this subsection shall not apply to a citizen of the United States employed by either the Government of the Marshall Islands or the Government of the Federated States of Micronesia with respect to whom the employing Government from time to time certifies to the Government of the United States that such citizen is an employee of the Government of the Marshall Islands or the Government of the Federated States of Micronesia (as the case may be) whose principal duties are other than those matters specified in the Foreign Agents Registration Act of 1938, as amended, that apply with respect to an agent of a foreign principal. The agency or officer of the United States receiving such certifications shall cause them to be filed with the Attorney General, who shall maintain a publicly available list of the persons so certified.

(3) **RESIDENT REPRESENTATIVE EXEMPTION.**—Nothing in this subsection shall be construed as amending Section 152(b) of the Compact.

Post, p. 1806.

(g) NONCOMPLIANCE SANCTIONS.—

(1) **AUTHORITY OF PRESIDENT.**—The President of the United States shall have no authority to suspend or withhold payments or assistance with respect to—

President of U.S.

(A) section 177, 213, 216(a)(2), 216(a)(3), 221(b), or 223 of the Compact, or

Post, pp. 1812, 1814-1817.

(B) any agreements made pursuant to such sections of the Compact,

unless such suspension or withholding is imposed as a sanction due to noncompliance by the Government of the Federated States of Micronesia or the Government of the Marshall Islands (as the case may be) with the obligations and requirements of such sections of the Compact or such agreements.

(2) **ACTIONS INCOMPATIBLE WITH UNITED STATES AUTHORITY.**—The Congress expresses its understanding that the Governments of the Federated States of Micronesia and the Marshall Islands will not act in a manner incompatible with the authority and responsibility of the United States for security and defense matters in or related to the Federated States of Micronesia or the Marshall Islands pursuant to the Compact, including the agreements referred to in sections 462(j) and 462(k) thereof. The Congress further expresses its intention that any such act on the part of either such Government will be viewed by the United States as a material breach of the Compact. The Government of the United States reserves the right in the event of such a material breach of the Compact by the Government of the Federated States of Micronesia or the Government of the Marshall Islands to take action, including

Post, p. 1833.

(but not limited to) the suspension in whole or in part of the obligations of the Government of the United States to the Government.

(h) CONTINUING PROGRAMS AND LAWS.—

Post, p. 1816.

Post, p. 1817.

(1) FEDERATED STATES OF MICRONESIA AND MARSHALL ISLANDS.—In addition to the programs and services set forth in section 221 of the Compact, and pursuant to section 224 of the Compact, the programs and services of the following agencies shall be made available to the Federated States of Micronesia and to the Marshall Islands:

(A) the Legal Services Corporation;

(B) the Public Health Service; and

(C) the Farmers Home Administration (in the Marshall Islands and each of the four States of the Federated States of Micronesia: *Provided*, that in lieu of continuation of the program in the Federated States of Micronesia, the President may agree to transfer to the Government of the Federated States of Micronesia without cost, the portfolio of the Farmers Home Loan Administration applicable to the Federated States of Micronesia and provide such technical assistance in management of the portfolio as may be requested by the Federated States of Micronesia).

(2) PALAU.—Upon the effective date of the Compact, the laws of the United States generally applicable to the Trust Territories of the Pacific Islands shall continue to apply to the Republic of Palau and the Republic of Palau shall be eligible for such proportion of Federal assistance as it would otherwise have been eligible to receive under such laws prior to the effective date of the Compact, as provided in appropriation Acts or other Acts of Congress.

Post, p. 1816.

(3) SECTION 219 DETERMINATION.—The determination by the Government of the United States under section 219 of the Compact shall be as provided in appropriation Acts.

Post, p. 1813.

(4) TORT CLAIMS.—(A) At such time as the Trusteeship Agreement ceases to apply to either the Federated States of Micronesia or the Marshall Islands, the provisions of Section 178 of the Compact regarding settlement and payment of tort claims shall apply to employees of any federal agency of the Government of the United States which provides any service or carries out any other function pursuant to or in furtherance of any provision of the Compact or this Act, except for provisions of Title Thirteen of the Compact and of the subsidiary agreements related to such Title, in such area to which such Agreement formerly applied. For purposes of this subparagraph (B), persons providing such service or carrying out such function pursuant to a contract with a federal agency shall be deemed to be an employee of the contracting federal agency.

91 Stat. 1159; 94 Stat. 84.

(B) For purposes of the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), persons providing services to the people of the atolls of Bikini, Enewetak, Rongelap, and Utrik as described in Public Law 95-134 and Public Law 96-205 pursuant to a contract with a Department or agency of the federal government shall be deemed to be an employee of the contracting Department or agency working in the United States. This subparagraph (B) shall expire when the Trusteeship Agreement is terminated with respect to the Marshall Islands.

(i) COLLEGE OF MICRONESIA; EDUCATION PROGRAMS.—

(1) **COLLEGE OF MICRONESIA.**—Notwithstanding any other provision of law, all funds which as of the date of the enactment of this joint resolution were appropriated for the use of the College of Micronesia System shall remain available for use by such college until expended. Until otherwise provided by Act of Congress, or until termination of the Compact, such college shall retain its status as a land-grant institution and its eligibility for all benefits and programs available to such land-grant institutions.

(2) **FEDERAL EDUCATION PROGRAMS.**—Pursuant to section 224 of the Compact and upon the request of the affected Government, any Federal program providing financial assistance for education which, as of January 1, 1985, was providing financial assistance for education to the Federated States of Micronesia or the Marshall Islands or to any institution, agency, organization, or permanent resident thereof, including the College of Micronesia System, shall continue to provide such assistance to such institutions, agencies, organizations, and residents as follows:

Post, p. 1817.

(A) For the fiscal year in which the Compact becomes effective, not to exceed \$13,000,000;

(B) For the fiscal year beginning after the end of the fiscal year in which the Compact becomes effective, not to exceed \$8,700,000; and

(C) For the fiscal year immediately following the fiscal year described in subparagraph (B), not to exceed \$4,300,000.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are hereby authorized to be appropriated such sums as are necessary for purposes of this subsection.

(j) **TRUST TERRITORY DEBTS TO U.S. FEDERAL AGENCIES.**—Neither the Government of the Federated States of Micronesia nor the Government of the Marshall Islands shall be required to pay to any department, agency, independent agency, office, or instrumentality of the United States any amounts owed to such department, agency, independent agency, office, or instrumentality by the Government of the Trust Territory of the Pacific Islands as of the effective date of the Compact. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

(k) **USE OF DOD MEDICAL FACILITIES.**—Following approval of the Compact, the Secretary of Defense shall make available the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia and the Marshall Islands who are properly referred to such facilities by government authorities responsible for provision of medical services in the Federated States of Micronesia and the Marshall Islands. The Secretary of Defense is hereby authorized to cooperate with such authorities in order to permit use of such medical facilities for persons properly referred by such authorities. The Secretary of Health and Human Services is hereby authorized and directed to continue to make the services of the National Health Service Corps available to the residents of the Federated States of Micronesia and the Marshall Islands to the same extent and for so long as such services are authorized to be provided to persons residing in any other areas within or outside the United States.

Health and
medical care.

(l) **TECHNICAL ASSISTANCE.**—Technical assistance may be provided pursuant to section 226 of the Compact by Federal agencies and

Post, p. 1818.

Grants.

Ante, pp. 1775,
1778, 1791.

Grants.

Post, p. 1819.President of U.S.
Report.*Post*, p. 1822.

institutions of the Government of the United States to the extent such assistance may be provided to States, territories, or units of local government. Such assistance by the Forest Service, the Soil Conservation Service, the Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, and the Advisory Council on Historic Preservation, the Department of the Interior, and other agencies providing assistance under the National Historic Preservation Act (80 Stat. 915; 16 U.S.C. 470-470t), shall be on a nonreimbursable basis. During the period the Compact is in effect, the grant programs under the National Historic Preservation Act shall continue to apply to the Federated States of Micronesia and the Marshall Islands in the same manner and to the same extent as prior to the approval of the Compact. Funds provided pursuant to sections 102(a), 103(a), 103(c), 103(h), 103(i), 103(j), 103(l), 105(c), 105(i), 105(j), 105(k), 105(l), 105(m), 105(n), and 105(o) of this joint resolution shall be in addition to and not charged against any amounts to be paid to either the Federated States of Micronesia or the Marshall Islands pursuant to the Compact or the subsidiary agreements.

(m) **PRIOR SERVICE BENEFITS PROGRAM.**—Notwithstanding any other provision of law, persons who on January 1, 1985, were eligible to receive payment under the Prior Service Benefits Program established within the Social Security System of the Trust Territory of the Pacific Islands because of their services performed for the United States Navy or the Government of the Trust Territory of the Pacific Islands prior to July 1, 1968, shall continue to receive such payments on and after the effective date of the Compact.

(n) **INDEFINITE LAND USE PAYMENTS.**—There are authorized to be appropriated such sums as may be necessary to complete repayment by the United States of any debts owed for the use of various lands in the Federated States of Micronesia and the Marshall Islands prior to January 1, 1985.

(o) **COMMUNICABLE DISEASE CONTROL PROGRAM.**—There are authorized to be appropriated for grants to the Government of the Federated States of Micronesia such sums as may be necessary for purposes of establishing or continuing programs for the control and prevention of communicable diseases, including (but not limited to) cholera and Hansen's Disease. The Secretary of the Interior shall assist the Government of the Federated States of Micronesia in designing and implementing such a program.

(p) **TRUST FUNDS.**—The responsibilities of the United States with regard to implementation of section 235 of the Compact shall be discharged by the Secretary of the Interior, who shall consult with the Government of the Marshall Islands and the designated beneficiaries of the funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands.

(q) **ANNUAL REPORTS ON DETERMINATIONS UNDER COMPACT SECTION 313.**—The President shall report annually to the Congress on determinations made by the United States in the exercise of its authority under section 313 of the Compact. Each such report shall describe the following, on a classified basis if necessary:

(1) The actions that the Government of the Federated States of Micronesia or the Government of the Marshall Islands were required to refrain from pursuant to the determinations of the United States.

(2) The justification for each determination by the United States, and the position of the other Government concerned with respect to such determination.

(3) The effect of the determination on the authority and responsibility of the other government to conduct foreign affairs in accordance with section 121 of the Compact.

Post, p. 1801.

(4) Any domestic effect in the Federated States of Micronesia or the Marshall Islands resulting from the determination, including any restriction on the civil and political rights of the citizens thereof.

(r) **USER FEES.**—Any person in the Federated States of Micronesia or the Marshall Islands shall be liable for user fees, if any, for services provided in the Federated States of Micronesia or the Marshall Islands by the Government of the United States to the same extent as any person in the United States would be liable for fees, if any, for such services in the United States.

SEC. 106. CONSTRUCTION CONTRACT ASSISTANCE.

48 USC 1681
note.
President of U.S.

(a) **ASSISTANCE TO U.S. FIRMS.**—In order to assist the Governments of the Federated States of Micronesia and of the Marshall Islands through private sector firms which may be awarded contracts for construction or major repair of capital infrastructure within the Federated States of Micronesia or the Republic of the Marshall Islands, the President shall consult with the Governments of the Federated States of Micronesia and the Marshall Islands with respect to any such contracts, and the President shall enter into agreements with such firms whereby such firms will, consistent with applicable requirements of such Governments—

(1) to the maximum extent possible, employ citizens of the Federated States of Micronesia and the Marshall Islands;

(2) to the extent that necessary skills are not possessed by citizens of the Federated States of Micronesia and the Marshall Islands, provide on the job training, with particular emphasis on the development of skills relating to operation of machinery and routine and preventative maintenance of machinery and other facilities; and

(3) provide specific training or other assistance in order to enable the Government to engage in long-term maintenance of infrastructure.

Assistance by such firms pursuant to this section may not exceed 20 percent of the amount of the contract and shall be made available only to such firms which meet the definition of United States firm under the nationality rule for suppliers of services of the Agency for International Development (hereafter in this section referred to as "United States firms"). There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

(b) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to cover any additional costs incurred by the Government of the Federated States of Micronesia or the Republic of the Marshall Islands if such Governments, pursuant to an agreement entered into with the United States, apply a preference on the award of contracts to United States firms, provided that the amount of such preference does not exceed 10 percent of the amount of the lowest qualified bid from a non-United States firm for such contract.

SEC. 107. LIMITATIONS.

48 USC 1681
note.
18 USC 201 *et seq.*

(a) **PROHIBITION.**—The provisions of Chapter 11 of title 18, United States Code, shall apply in full to any individual who has served as the President's Personal Representative for Micronesian Status

18 USC 207. Negotiations or who is or was an officer or employee of the Office for Micronesian Status Negotiations or who is or was assigned or detailed to that Office or who served on the Micronesia Interagency Group, except that for the purposes of this section, clauses (i) and (ii) of section 207(b) of such title shall read as follows: "(i) having been so employed, within three years after his employment has ceased, knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, makes any oral or written communication on behalf of any other person (except the United States) to, or (ii) having been so employed and as specified in subsection (d) of this section, within three years after his employment has ceased, knowingly represents or aids, counsels, advises, consults, or assists in representing any other person (except the United States) by personal presence at any formal or informal appearance before—".

(b) **TERMINATION.**—Effective upon the date of the termination of the Trust Territory of the Pacific Islands with respect to Palau, the Office for Micronesian Status Negotiations is abolished and no department, agency, or instrumentality of the United States shall thereafter contribute funds for the support of such Office.

48 USC 1681
note.

SEC. 108. TRANSITIONAL IMMIGRATION RULES.

48 USC 1681
note.

(a) **CITIZEN OF NORTHERN MARIANA ISLANDS.**—Any person who is a citizen of the Northern Mariana Islands, as that term is defined in section 24(b) of the Act of December 8, 1983 (97 Stat. 1465), is considered a citizen of the United States for purposes of entry into, permanent residence, and employment in the United States and its territories and possessions.

90 Stat. 263.

(b) **TERMINATION.**—The provisions of this section shall cease to be effective when section 301 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States (Public Law 94-241) becomes effective pursuant to section 1003(c) of the Covenant.

48 USC 1681
note.
Prohibitions.

SEC. 109. TIMING.

No payment may be made pursuant to the Compact nor under any provision of this joint resolution prior to October 1, 1985.

48 USC 1681
note.
President of U.S.

SEC. 110. IMPLEMENTATION OF AUDIT AGREEMENTS.

Ante, pp. 1775,
1778.

(a) **TRANSMISSION OF ANNUAL FINANCIAL STATEMENT.**—Upon receipt of the annual financial statement described in sections 102(c)(4) and 103(m)(4), the President shall promptly transmit a copy of such statement to the Congress.

(b) **ANNUAL AUDITS BY THE PRESIDENT.**—(1) The President shall cause an annual audit to be conducted of the annual financial statements described in sections 102(c)(4) and 103(m)(4). Such audit shall be conducted in accordance with the Generally Accepted Government Auditing Standards promulgated by the Comptroller General of the United States. Such audit shall be submitted to the Congress not later than 180 days after the end of the United States fiscal year.

(2) The President shall develop and implement procedures to carry out such audits. Such procedures shall include the matters described in sections 102(c)(2) and 103(m)(2) of this title.

Authority of GAO.—The Comptroller General of the United States shall have the authority to conduct the audits referred to in sections 102(c)(1) and 103(m)(1) of this title.

Post, pp. 1775,
1778.
48 USC 1681
note.

111. COMPENSATORY ADJUSTMENTS.

Additional Programs and Services.—In addition to the programs and services set forth in Section 221 of the Compact, and pursuant to Section 224 of the Compact, the services and programs of the following U.S. agencies shall be made available to the Federated States of Micronesia and the Marshall Islands: The Federal Deposit Insurance Corporation, Small Business Administration, Economic Development Administration, the Rural Electrification Administration, Job Partnership Training Act, Job Corps, and the programs and services of the Department of Commerce relating to tourism and to marine resource development.

Post, p. 1816.
Post, p. 1817.

(1) Investment Development Funds.—In order to further the economic and commercial relations between the United States and the Federated States of Micronesia and the Marshall Islands, in order to encourage the presence of the United States private sector in such areas, there are hereby created two Investment Development Funds, to be established and administered by the Federated States of Micronesia and the Marshall Islands respectively in consultation with the United States as follows:

(i) For the Investment Development Fund for the Federated States of Micronesia there is hereby authorized to be appropriated for fiscal 1986, \$20 million, backed by the full faith and credit of the United States, of which \$12 million shall be made available for obligation for the first full fiscal year after the effective date of the Compact, and of which \$8 million shall be made available for obligation for the third full fiscal year after the effective date of the Compact.

(ii) For the Investment Development Fund for the Marshall Islands there is hereby authorized to be appropriated \$10 million for fiscal 1986, backed by the full faith and credit of the United States, of which \$6 million for the first full fiscal year after the effective date of the Compact, and of which \$4 million shall be made available for obligation for the third full fiscal year after the effective date of the Compact.

The amounts specified in subsection (b) of this section shall be in addition to the sums and amounts specified in Articles I and III of Title Two of the Compact, and shall be deemed to be included in the sums and amounts referred to in section 236 of the Compact.

Post, p. 1819.
President of U.S.

Board of Advisors.—To provide policy guidance for the Funds established by subsection (b) of this section, the President is hereby authorized to establish a Board of Advisors, pursuant to appropriate agreements between the United States and the Federated States of Micronesia and the Marshall Islands.

Further Amounts.—The governments of the Federated States of Micronesia and the Marshall Islands may submit to Congress reports concerning the overall financial and economic impacts on such areas resulting from the effect of Title IV of this joint resolution upon Title Two of the Compact. There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, such amounts as may be necessary, but not to exceed \$40 million for the Federated States of Micronesia and \$20 million for the Marshall Islands, as provided in appropriation acts, to further compensate the governments of such islands (in addition to the compensation pro-

Report.

vided in subsections (a) and (b) of this section) for adverse impacts, if any, on the finances and economies of such areas resulting from the effect of Title IV of this joint resolution upon Title Two of the Compact. At the end of the initial fifteen-year term of the Compact should any portion of the total amount of funds authorized in this subsection not have been appropriated, such amount not yet appropriated may be appropriated, without regard to divisions between amounts authorized in this subsection for the Federated States of Micronesia and for the Marshall Islands, based on either or both such government's showing of such adverse impact, if any, as provided in this subsection.

TITLE II—COMPACT OF FREE ASSOCIATION

48 USC 1681
note.

SEC. 201. COMPACT OF FREE ASSOCIATION.

The Compact of Free Association is as follows:

COMPACT OF FREE ASSOCIATION

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENTS OF THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA

Human rights.

Affirming that their Governments and their relationships and Governments are founded upon respect for human rights and fundamental freedoms for all, and that the peoples of the Trust Territory of the Pacific Islands have the right to enjoy self-government and

Affirming the common interests of the United States of America and the peoples of the Trust Territory of the Pacific Islands in creating close and mutually beneficial relationships through two free and voluntary associations of their respective Governments and

Affirming the interest of the Government of the United States in promoting the economic advancement and self-sufficiency of the peoples of the Trust Territory of the Pacific Islands; and

59 Stat. 1031.

Recognizing that their previous relationship has been based upon the International Trusteeship System of the United Nations Charter, and in particular Article 76 of the Charter; and that pursuant to Article 76 of the Charter, the peoples of the Trust Territory have progressively developed their institutions of self-government, and that in the exercise of their sovereign right to self-determination they have, through their freely-expressed wishes, adopted Constitutions appropriate to their particular circumstances; and

Recognizing their common desire to terminate the Trusteeship and establish two new government-to-government relationships, each of which is in accordance with a new political status based on the freely-expressed wishes of peoples of the Trust Territory of the Pacific Islands and appropriate to their particular circumstances and

Recognizing that the peoples of the Trust Territory of the Pacific Islands have and retain their sovereignty and their sovereign right to self-determination and the inherent right to adopt and amend their own Constitutions and forms of government and that the approval of the entry of their respective Governments into the

Compact of Free Association by the peoples of the Trust Territory of the Pacific Islands constitutes an exercise of their sovereign right to self-determination;

NOW, THEREFORE, AGREE to enter into relationships of free association which provide a full measure of self-government for the peoples of the Marshall Islands and the Federated States of Micronesia; and

FURTHER AGREE that the relationships of free association derive from and are as set forth in this Compact; and that, during such relationships of free association, the respective rights and responsibilities of the Government of the United States and the Governments of the freely associated states of the Marshall Islands and the Federated States of Micronesia in regard to these relationships of free association derive from and are as set forth in this Compact.

TITLE ONE

GOVERNMENTAL RELATIONS

Article I

Self-Government

Section 111

The peoples of the Marshall Islands and the Federated States of Micronesia, acting through the Governments established under their respective Constitutions, are self-governing.

Article II

Foreign Affairs

Section 121

(a) The Governments of the Marshall Islands and the Federated States of Micronesia have the capacity to conduct foreign affairs and shall do so in their own name and right, except as otherwise provided in this Compact.

(b) The foreign affairs capacity of the Governments of the Marshall Islands and the Federated States of Micronesia includes:

(1) the conduct of foreign affairs relating to law of the sea and marine resources matters, including the harvesting, conservation, exploration or exploitation of living and non-living resources from the sea, seabed or subsoil to the full extent recognized under international law;

(2) the conduct of their commercial, diplomatic, consular, economic, trade, banking, postal, civil aviation, communications, and cultural relations, including negotiations for the receipt of developmental loans and grants and the conclusion of arrangements with other governments and international and intergovernmental organizations, including any matters specially benefiting their individual citizens.

(c) The Government of the United States recognizes that the Governments of the Marshall Islands and the Federated States of Micronesia have the capacity to enter into, in their own name and right, treaties and other international agreements with governments and regional and international organizations.

International
agreements.

(d) In the conduct of their foreign affairs, the Governments of the Marshall Islands and the Federated States of Micronesia confirm that they shall act in accordance with principles of international law and shall settle their international disputes by peaceful means.

Section 122

The Government of the United States shall support application by the Governments of the Marshall Islands and the Federated States of Micronesia for membership or other participation in regional or international organizations as may be mutually agreed. The Government of the United States agrees to accept for training and instruction at the Foreign Service Institute, established under 22 U.S.C. 4021, citizens of the Marshall Islands and the Federated States of Micronesia. The qualifications of candidates for such training and instruction and all other terms and conditions of participation by citizens of the Marshall Islands and the Federated States of Micronesia in Foreign Service Institute programs shall be as mutually agreed between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia.

Section 123

(a) In recognition of the authority and responsibility of the Government of the United States under Title Three, the Governments of the Marshall Islands and the Federated States of Micronesia shall consult, in the conduct of their foreign affairs, with the Government of the United States.

(b) In recognition of the respective foreign affairs capacities of the Governments of the Marshall Islands and the Federated States of Micronesia, the Government of the United States, in the conduct of its foreign affairs, shall consult with the Government of the Marshall Islands or the Federated States of Micronesia on matters which the Government of the United States regards as relating to or affecting any such Government.

Section 124

The Government of the United States may assist or act on behalf of the Government of the Marshall Islands or the Federated States of Micronesia in the area of foreign affairs as may be requested and mutually agreed from time to time. The Government of the United States shall not be responsible to third parties for the actions of the Government of the Marshall Islands or the Federated States of Micronesia undertaken with the assistance or through the agency of the Government of the United States pursuant to this Section unless expressly agreed.

Section 125

The Government of the United States shall not be responsible for nor obligated by any actions taken by the Government of the Marshall Islands or the Federated States of Micronesia in the area of foreign affairs, except as may from time to time be expressly agreed.

Section 126

At the request of the Government of the Marshall Islands or the Federated States of Micronesia and subject to the consent of the receiving state, the Government of the United States shall extend consular assistance on the same basis as for citizens of the United States to citizens of the Marshall Islands and the Federated States of Micronesia.

Micronesia for travel outside the Marshall Islands and the Federated States of Micronesia, the United States and its territories and possessions.

Section 127

Except as otherwise provided in this Compact or its related agreements, all obligations, responsibilities, rights and benefits of the Government of the United States as Administering Authority which have resulted from the application pursuant to the Trusteeship Agreement of any treaty or other international agreement to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact are no longer assumed and enjoyed by the Government of the United States.

Article III

Communications

Section 131

(a) The Governments of the Marshall Islands and the Federated States of Micronesia have full authority and responsibility to regulate their respective domestic and foreign communications, and the Government of the United States shall provide communications assistance in accordance with the terms of a separate agreement which shall come into effect simultaneously with this Compact, and such agreement shall remain in effect until such time as any election is made pursuant to Section 131(b) and which shall provide for the following:

(1) the Government of the United States remains the sole administration entitled to make notification to the International Frequency Registration Board of the International Telecommunications Union of frequency assignments to radio communications stations respectively in the Marshall Islands and the Federated States of Micronesia; and to submit to the International Frequency Registration Board seasonal schedules for the broadcasting stations respectively in the Marshall Islands and the Federated States of Micronesia in the bands allocated exclusively to the broadcasting service between 5,950 and 26,100 kHz and in any other additional frequency bands that may be allocated to use by high frequency broadcasting stations; and

(2) the United States Federal Communications Commission has jurisdiction, pursuant to the Communications Act of 1934, 47 U.S.C. 151 et seq., and the Communications Satellite Act of 1962, 47 U.S.C. 721 et seq., over all domestic and foreign communications services furnished by means of satellite earth terminal stations where such stations are owned or operated by United States common carriers and are located in the Marshall Islands or the Federated States of Micronesia.

(b) The Government of the Marshall Islands or the Federated States of Micronesia may elect at any time to undertake the functions enumerated in Section 131(a) and previously performed by the Government of the United States. Upon such election, the Government of the United States shall so notify the International Frequency Registration Board and shall take such other actions as may be necessary to transfer to the electing Government the notification authority referred to in Section 131(a) and all rights deriving from

the previous exercise of any such notification authority by the Government of the United States.

Section 132

The Governments of the Marshall Islands and the Federated States of Micronesia shall permit the Government of the United States to operate telecommunications services in the Marshall Islands and the Federated States of Micronesia to the extent necessary to fulfill the obligations of the Government of the United States under this Compact in accordance with the terms of separate agreements which shall come into effect simultaneously with this Compact.

Article IV

Immigration

Section 141

(a) Any person in the following categories may enter into, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions without regard to paragraphs (14), (20), and (26) of section 212(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(a) (14), (20), and (26):

(1) a person who, on the day preceding the effective date of this Compact, is a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become a citizen of the Marshall Islands or the Federated States of Micronesia;

(2) a person who acquires the citizenship of the Marshall Islands or the Federated States of Micronesia at birth, on or after the effective date of the respective Constitution;

(3) a naturalized citizen of the Marshall Islands or the Federated States of Micronesia who has been an actual resident there for not less than five years after attaining such naturalization and who holds a certificate of actual residence; or

(4) a person entitled to citizenship in the Marshall Islands by lineal descent whose name is included in a list to be furnished by the Government of the Marshall Islands to the United States Immigration and Naturalization Service and any descendants of such persons, provided that such person holds a certificate of lineal descent issued by the Government of the Marshall Islands.

Such persons shall be considered to have the permission of the Attorney General of the United States to accept employment in the United States.

(b) The right of such persons to establish habitual residence in the territory or possession of the United States may, however, be subjected to nondiscriminatory limitations provided for:

(1) in statutes or regulations of the United States; or

(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

(c) Section 141(a) does not confer on a citizen of the Marshall Islands or the Federated States of Micronesia the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen

the Marshall Islands or the Federated States of Micronesia from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

Section 142

(a) Any citizen or national of the United States may enter into, lawfully engage in occupations, and reside in the Marshall Islands or the Federated States of Micronesia, subject to the rights of those governments to deny entry to or deport any such citizen or national as an undesirable alien. A citizen or national of the United States may establish habitual residence or domicile in the Marshall Islands or the Federated States of Micronesia only in accordance with the laws of the jurisdiction in which habitual residence or domicile is sought.

(b) With respect to the subject matter of this Section, the Government of the Marshall Islands or the Federated States of Micronesia shall accord to citizens and nationals of the United States treatment no less favorable than that accorded to citizens of other countries; any denial of entry to or deportation of a citizen or national of the United States as an undesirable alien must be pursuant to reasonable statutory grounds.

Section 143

(a) The privileges set forth in Sections 141 and 142 shall not apply to any person who takes an affirmative step to preserve or acquire a citizenship or nationality other than that of the Marshall Islands, the Federated States of Micronesia or the United States.

(b) Every person having the privileges set forth in Sections 141 and 142 who possesses a citizenship or nationality other than that of the Marshall Islands, the Federated States of Micronesia or the United States ceases to have these privileges two years after the effective date of this Compact, or within six months after becoming 21 years of age, whichever comes later, unless such person executes an oath of renunciation of that other citizenship or nationality.

Ante, p. 1804;
supra.

Section 144

(a) A citizen or national of the United States who, after notification to the Government of the United States of an intention to employ such person by the Government of the Marshall Islands or the Federated States of Micronesia, commences employment with such Government shall not be deprived of his United States nationality pursuant to Section 349 (a)(2) and (a)(4) of the Immigration and Nationality Act, 8 U.S.C. 1481 (a)(2) and (a)(4).

(b) Upon such notification by the Government of the Marshall Islands or the Federated States of Micronesia, the Government of the United States may consult with or provide information to the notifying Government concerning the prospective employee, subject to the provisions of the Privacy Act, 5 U.S.C. 552a.

(c) The requirement of prior notification shall not apply to those citizens or nationals of the United States who are employed by the Government of the Marshall Islands or the Federated States of Micronesia on the effective date of this Compact with respect to the positions held by them at that time.

Article V

Representation

Section 151

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may establish and maintain representative offices in the capital of the other for the purpose of maintaining close and regular consultations on matters arising in the course of the relationship of free association and conducting other government business. The Governments may establish and maintain additional offices on terms and in locations as may be mutually agreed.

Section 152

(a) The premises of such representative offices, and their archives wherever located, shall be inviolable. The property and assets of such representative offices shall be immune from search, requisition, attachment and any form of seizure unless such immunity is expressly waived. Official communications in transit shall be inviolable and accorded the freedom and protections accorded by recognized principles of international law to official communications of a diplomatic mission.

(b) Persons designated by the sending Government may serve in the capacity of its resident representatives with the consent of the receiving Government. Such designated persons shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions as such representatives, except insofar as such immunity may be expressly waived by the sending Government. While serving in a resident representative capacity, such designated persons shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents.

(c) The sending Governments and their respective assets, incomes, and other property shall be exempt from all direct taxes, except those direct taxes representing payment for specific goods and services, and shall be exempt from all customs duties and restrictions on the import or export of articles required for the official functions and personal use of their representatives and representative offices.

(d) Persons designated by the sending Government to serve in the capacity of its resident representatives shall enjoy the same taxat exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations.

(e) The privileges, exemptions and immunities accorded under this Section are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government to which they are assigned.

Section 153

(a) Any citizen or national of the United States who, after consultation between the designating Government and the Government of the United States, is designated by the Government of the Marshall Islands or the Federated States of Micronesia as its agent, shall enjoy exemption from the requirements of the laws of the United States relating to the registration of foreign agents. The Government of the United States shall promptly comply with a request for consultation made by the prospective designating Government. During the course of the consultation, the Government of the United States may, in its discretion, and subject to the provisions of the Privacy Act, 5 U.S.C. 552a, transmit such information concerning the prospective designee as may be available to it to the prospective designating Government.

(b) Any citizen or national of the United States may be employed by the Government of the Marshall Islands or the Federated States of Micronesia to represent to foreign governments, officers or agents thereof the positions of the Government of the Marshall Islands or the Federated States of Micronesia, without regard to the provisions of 18 U.S.C. 953.

Article VI

Environmental Protection

Section 161

The Governments of the United States, the Marshall Islands and the Federated States of Micronesia declare that it is their policy to promote efforts to prevent or eliminate damage to the environment and biosphere and to enrich understanding of the natural resources of the Marshall Islands and the Federated States of Micronesia. In order to carry out this policy, the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree to the following mutual and reciprocal undertakings.

(a) The Government of the United States:

(1) shall continue to apply the environmental controls in effect on the day preceding the effective date of this Compact to those of its continuing activities subject to Section 161(a)(2), unless and until those controls are modified under Sections 161(a)(3) and 161(a)(4);

(2) shall apply the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq., to its activities under the Compact and its related agreements as if the Marshall Islands and the Federated States of Micronesia were the United States;

(3) shall comply also, in the conduct of any activity requiring the preparation of an Environmental Impact Statement under Section 161(a)(2), with standards substantively similar to those required by the following laws of the United States, taking into account the particular environments of the Marshall Islands and the Federated States of Micronesia: the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531 et seq.; the Clean Air Act, 77 Stat. 392, 42 U.S.C. Supp. 7401 et seq.; the Clean Water Act (Federal Water Pollution Control Act), 86 Stat. 896, 33 U.S.C. 1251 et seq., the Ocean Dumping Act (Title I of the Marine Protection, Research and Sanctuaries Act of 1972), 86 Stat. 1053, 33 U.S.C. 1411 et seq.; the Toxic Substances Control Act, 90 Stat. 2003, 15 U.S.C. 2601 et seq.; the Resources Conservation and Recovery Act of 1976, 90 Stat. 2796, 42 U.S.C. 6901

et seq.; and such other environmental protection laws of the United States as may be mutually agreed from time to time with the Government of the Marshall Islands or the Federated States of Micronesia; and

Ante, p. 1807.

(4) shall develop, prior to conducting any activity requiring the preparation of an Environmental Impact Statement under Section 161(a)(2), appropriate mechanisms, including regulations or other judicially reviewable standards and procedures, to regulate its activities governed by Section 161(a)(3) in the Marshall Islands and the Federated States of Micronesia in a manner appropriate to the special governmental relationship set forth in this Compact. The agencies of the Government of the United States designated by law to administer the laws set forth in Section 161(a)(3) shall participate as appropriate in the development of any regulation, standard or procedure under this Section, and the Government of the United States shall provide the affected Government of the Marshall Islands or the Federated States of Micronesia with the opportunity to comment during such development.

(b) The Governments of the Marshall Islands and the Federated States of Micronesia shall develop standards and procedures to protect their environments. As a reciprocal obligation to the undertakings of the Government of the United States under this Article, the Governments of the Marshall Islands and the Federated States of Micronesia, taking into account their particular environments, shall develop standards for environmental protection substantively similar to those required of the Government of the United States by Section 161(a)(3) prior to their conducting activities in the Marshall Islands and the Federated States of Micronesia, respectively, substantively equivalent to activities conducted there by the Government of the United States and, as a further reciprocal obligation, shall enforce those standards.

(c) Section 161(a), including any standard or procedure applicable thereunder, and Section 161(b) may be modified or superseded in whole or in part by agreement of the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia.

(d) In the event that an Environmental Impact Statement is no longer required under the laws of the United States for major federal actions significantly affecting the quality of the human environment, the regulatory regime established under Sections 161(a)(3) and 161(a)(4) shall continue to apply to such activities of the Government of the United States until amended by mutual agreement.

President of U.S.

(e) The President of the United States may exempt any of the activities of the Government of the United States under this Compact and its related agreements from any environmental standard or procedure which may be applicable under Sections 161(a)(3) and 161(a)(4) if the President determines it to be in the paramount interest of the Government of the United States to do so, consistent with Title Three of this Compact and the obligations of the Government of the United States under international law. Prior to any decision pursuant to this subsection, the views of the affected Government of the Marshall Islands or the Federated States of Micronesia shall be sought and considered to the extent practicable. If the President grants such an exemption, to the extent practicable

Report.

report with his reasons for granting such exemption shall be given promptly to the affected Government.

(f) The laws of the United States referred to in Section 161(a)(3) shall apply to the activities of the Government of the United States under this Compact and its related agreements only to the extent provided for in this Section. *Ante*, p. 1807.

Section 162

The Government of the Marshall Islands or the Federated States of Micronesia may bring an action for judicial review of any administrative agency action or any activity of the Government of the United States pursuant to Sections 161(a), 161(d) or 161(e) or for enforcement of the obligations of the Government of the United States arising thereunder. The United States District Court for the District of Hawaii and the United States District Court for the District of Columbia shall have jurisdiction over such action or activity, and over actions brought under Section 172(b) which relate to the activities of the Government of the United States and its officers and employees, governed by Section 161, provided that: (a) Such actions may only be civil actions for any appropriate civil relief other than punitive damages against the Government of the United States or, where required by law, its officers in their official capacity; no criminal actions may arise under this Section.

Courts, U.S.

Post, p. 1810.

(b) Actions brought pursuant to this Section may be initiated only by the Government concerned.

(c) Administrative agency actions arising under Section 161 shall be reviewed pursuant to the standard of judicial review set forth in 5 U.S.C. 706.

(d) The District Court shall have jurisdiction to issue all necessary processes, and the Government of the United States agrees to submit itself to the jurisdiction of the court; decisions of the District Court shall be reviewable in the United States Court of Appeals for the Ninth Circuit or the United States Court of Appeals for the District of Columbia, respectively, or in the United States Supreme Court as provided by the laws of the United States.

Courts, U.S.

(e) The judicial remedy provided for in this Section shall be the exclusive remedy for the judicial review or enforcement of the obligations of the Government of the United States under this Article and actions brought under Section 172(b) which relate to the activities of the Government of the United States and its officers and employees governed by Section 161.

(f) In actions pursuant to this Section, the Governments of the Marshall Islands and the Federated States of Micronesia shall be treated as if they were United States citizens.

Section 163

(a) For the purpose of gathering data necessary to study the environmental effects of activities of the Government of the United States subject to the requirements of this Article, the Governments of the Marshall Islands and the Federated States of Micronesia shall be granted access to facilities operated by the Government of the United States in the Marshall Islands and the Federated States of Micronesia, to the extent necessary for this purpose, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the United States under Title Three.

(b) The Government of the United States, in turn, shall be granted access to the Marshall Islands or the Federated States of Micronesia for the purpose of gathering data necessary to discharge its obligations under this Article, except to the extent such access would unreasonably interfere with the exercise of the authority and responsibility of the Government of the Marshall Islands or the Federated States of Micronesia under Title One, and to the extent necessary for this purpose shall be granted access to documents and other information to the same extent similar access is provided those Governments under the Freedom of Information Act, 5 U.S.C. 552.

(c) The Governments of the Marshall Islands and the Federated States of Micronesia shall not impede efforts by the Government of the United States to comply with applicable standards and procedures.

Article VII

General Legal Provisions

Section 171

Except as provided in this Compact or its related agreements, the application of the laws of the United States to the Trust Territory of the Pacific Islands by virtue of the Trusteeship Agreement ceases with respect to the Marshall Islands and the Federated States of Micronesia as of the effective date of this Compact.

Section 172

(a) Every citizen of the Marshall Islands or the Federated States of Micronesia who is not a resident of the United States shall enjoy the rights and remedies under the laws of the United States enjoyed by any non-resident alien.

(b) The Governments of the Marshall Islands and the Federated States of Micronesia and every citizen of the Marshall Islands or the Federated States of Micronesia shall be considered a "person" within the meaning of the Freedom of Information Act, 5 U.S.C. 552, and of the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. 701-706, except that only the Government of the Marshall Islands or the Federated States of Micronesia may seek judicial review under the Administrative Procedure Act or judicial enforcement under the Freedom of Information Act when such judicial review or enforcement relates to the activities of the Government of the United States governed by Sections 161 and 162.

5 USC prec. 551.
5 USC 552.

Ante, pp. 1807,
1809.

Section 173

The Governments of the United States, the Marshall Islands and the Federated States of Micronesia agree to adopt and enforce such measures, consistent with this Compact and its related agreements, as may be necessary to protect the personnel, property, installations, services, programs and official archives and documents maintained by the Government of the United States in the Marshall Islands and the Federated States of Micronesia pursuant to this Compact and its related agreements and by those Governments in the United States pursuant to this Compact and its related agreements.

Section 174

Except as otherwise provided in this Compact and its related agreements:

(a) The Governments of the Marshall Islands and the Federated States of Micronesia shall be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall be immune from the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia.

Courts, U.S.

(b) The Government of the United States accepts responsibility for and shall pay:

(1) any unpaid money judgment rendered by the High Court of the Trust Territory of the Pacific Islands against the Government of the Trust Territory of the Pacific Islands or the Government of the United States with regard to any cause of action arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact;

(2) any claim settled by the claimant and the Government of the Trust Territory of the Pacific Islands but not paid as of the effective date of this Compact; and

Claims.

(3) settlement of any administrative claim or of any action before a court of the Trust Territory of the Pacific Islands, pending as of the effective date of this Compact, against the Government of the Trust Territory of the Pacific Islands or the Government of the United States, arising as a result of acts or omissions of the Government of the Trust Territory of the Pacific Islands or the Government of the United States.

Claims.

(c) Any claim not referred to in Section 174(b) and arising from an act or omission of the Government of the Trust Territory of the Pacific Islands or the Government of the United States prior to the effective date of this Compact shall be adjudicated in the same manner as a claim adjudicated according to Section 174(d). In any claim against the Government of the Trust Territory of the Pacific Islands, the Government of the United States shall stand in the place of the Government of the Trust Territory of the Pacific Islands. A judgment on any claim referred to in Section 174(b) or this subsection, not otherwise satisfied by the Government of the United States, may be presented for certification to the United States Court of Appeals for the Federal Circuit, or its successor court, which shall have jurisdiction therefor, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States. The United States Court of Appeals for the Federal Circuit shall certify such judgment, and order payment thereof, unless it finds, after a hearing, that such judgment is manifestly erroneous as to law or fact, or manifestly excessive. In either of such cases the United States Court of Appeals for the Federal Circuit shall have jurisdiction to modify such judgment.

Claims.

Ante, p. 1810.

(d) The Governments of the Marshall Islands and the Federated States of Micronesia shall not be immune from the jurisdiction of the courts of the United States, and the Government of the United States shall not be immune from the jurisdiction of the courts of the Marshall Islands and the Federated States of Micronesia in any case in which the action is based on a commercial activity of the defendant Government where the action is brought, or in a case in which damages are sought for personal injury or death or damage to or loss of property occurring where the action is brought.

Section 175

Law
enforcement.

A separate agreement, which shall come into effect simultaneously with this Compact, shall be concluded between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia regarding mutual assistance and cooperation in law enforcement matters including the pursuit, capture, imprisonment and extradition of fugitives from justice and the transfer of prisoners. The separate agreement shall have the force of law. In the United States, the laws of the United States governing international extradition, including 18 U.S.C. 3184, 3186 and 3188-3195, shall be applicable to the extradition of fugitives under the separate agreement, and the laws of the United States governing the transfer of prisoners, including 18 U.S.C. 4100-4115, shall be applicable to the transfer of prisoners under the separate agreement.

Section 176

The Governments of the Marshall Islands and the Federated States of Micronesia confirm that final judgments in civil cases rendered by any court of the Trust Territory of the Pacific Islands shall continue in full force and effect, subject to the constitutional power of the courts of the Marshall Islands and the Federated States of Micronesia to grant relief from judgments in appropriate cases.

Section 177

(a) The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands, or the Federated States of Micronesia (or Palau) for loss or damage to property and person of the citizens of the Marshall Islands, or the Federated States of Micronesia, resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.

Claims.

(b) The Government of the United States and the Government of the Marshall Islands shall set forth in a separate agreement provisions for the just and adequate settlement of all such claims which have arisen in regard to the Marshall Islands and its citizens and which have not as yet been compensated or which in the future may arise, for the continued administration by the Government of the United States of direct radiation related medical surveillance and treatment programs and radiological monitoring activities and for such additional programs and activities as may be mutually agreed, and for the assumption by the Government of the Marshall Islands of responsibility for enforcement of limitations on the utilization of affected areas developed in cooperation with the Government of the United States and for the assistance by the Government of the United States in the exercise of such responsibility as may be mutually agreed. This separate agreement shall come into effect simultaneously with this Compact and shall remain in effect in accordance with its own terms.

Grants.

(c) The Government of the United States shall provide to the Government of the Marshall Islands, on a grant basis, the amount of \$150 million to be paid and distributed in accordance with the separate agreement referred to in this Section, and shall provide the services and programs set forth in this separate agreement, the language of which is incorporated into this Compact.

Section 178

Claims.

(a) The federal agencies of the Government of the United States which provide the services and related programs in the Marshall Islands or the Federated States of Micronesia pursuant to Articles II and III of Title Two are authorized to settle and pay tort claims arising in the Marshall Islands or the Federated States of Micronesia from the activities of such agencies or from the acts or omissions of the employees of such agencies. Except as provided in Section 178(b), the provisions of 28 U.S.C. 2672 and 31 U.S.C. 1304 shall apply exclusively to such administrative settlements and payments.

(b) Claims under Section 178(a) which cannot be settled under Section 178(a) shall be disposed of exclusively in accordance with Article II of Title Four. Arbitration awards rendered pursuant to this subsection shall be paid out of funds under 31 U.S.C. 1304.

(c) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall, in the separate agreements referred to in Section 232, provide for:

Post, p. 1818.

(1) the administrative settlement of claims referred to in Section 178(a), including designation of local agents in the Marshall Islands and each State of the Federated States of Micronesia; such agents to be empowered to accept, investigate and settle such claims, in a timely manner, as provided in such separate agreements; and

(2) arbitration, referred to in Section 178(b), in a timely manner, at a site convenient to the claimant, in the event a claim is not otherwise settled pursuant to Section 178(a).

(d) The provisions of Section 174(d) shall not apply to claims covered by this Section.

Ante, p. 1810.

TITLE TWO

ECONOMIC RELATIONS

Article I

Grant Assistance

Section 211

(a) In order to assist the Governments of the Marshall Islands and the Federated States of Micronesia in their efforts to advance the economic self-sufficiency of their peoples and in recognition of the special relationship that exists between them and the United States, the Government of the United States shall provide on a grant basis the following amounts:

(1) to the Government of the Marshall Islands, \$26.1 million annually for five years commencing on the effective date of this Compact, \$22.1 million annually for five years commencing on the fifth anniversary of the effective date of this Compact, and \$19.1 million annually for five years commencing on the tenth anniversary of this Compact. Over this fifteen-year period, the Government of the Marshall Islands shall dedicate an average of no less than 40 percent of these amounts to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b); and

(2) to the Government of the Federated States of Micronesia, \$60 million annually for five years commencing on the effective date of this Compact, \$51 million annually for five years commencing on the fifth anniversary of the effective date of this

Ante, p. 1813.

Infra; *post*, pp.
1815, 1816.

Report.

Post, p. 1818.

Grants.

Post, p. 1824.

Compact, and \$40 million annually for five years commencing on the tenth anniversary of the effective date of this Compact. Over this fifteen year period, the Government of the Federated States of Micronesia shall dedicate an average of no less than 40 percent of these amounts annually to the capital account subject to provision for revision of this percentage incorporated into the plan referred to in Section 211(b). To take into account the special nature of the assistance, to be provided under this paragraph and Sections 212(b), 213(c), 214(c), 215(a)(3), 215(b)(3), 216(a), 216(b), 221(a), and 221(b), the division of these amounts among the national and state governments of the Federated States of Micronesia shall be certified to the Government of the United States by the Government of the Federated States of Micronesia.

(b) The annual expenditure of the grant amounts specified for the capital account in Section 211(a) by the Governments of the Marshall Islands and the Federated States of Micronesia shall be in accordance with official overall economic development plans provided by those Governments and concurred in by the Government of the United States prior to the effective date of this Compact. These plans may be amended from time to time by the Government of the Marshall Islands or the Federated States of Micronesia.

(c) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia recognize that the achievement of the goals of the plans referred to in Section 211(b) depends upon the availability of adequate internal revenue as well as economic assistance from sources outside of the Marshall Islands and the Federated States of Micronesia, including the Government of the United States, and may, in addition, be affected by the impact of exceptional economically adverse circumstances. Each of the Governments of the Marshall Islands and the Federated States of Micronesia shall therefore report annually to the President of the United States and to the Congress of the United States on the implementation of the plans and on their use of the funds specified in this Article. These reports shall outline the achievements of the plans to date and the need, if any, for an additional authorization and appropriation of economic assistance for that year to account for any exceptional, economically adverse circumstances. It is understood that the Government of the United States cannot be committed by this Section to seek or support such additional economic assistance.

Section 212

In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall provide to the Government of the Federated States of Micronesia \$1 million annually for fourteen years commencing on the first anniversary of the effective date of this Compact. This amount may be used by the Government of the Federated States of Micronesia to defray current account expenditures attendant to the operation of the United States military Civic Action Teams made available in accordance with the separate agreement referred to in Section 227.

Section 213

(a) The Government of the United States shall provide on a grant basis \$1.9 million annually to the Government of the Marshall Islands in conjunction with Section 321(a). The Government of the

Marshall Islands, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in the Kwajalein Atoll area of the Marshall Islands.

(b) The Government of the United States shall provide on a grant basis to the Government of the Federated States of Micronesia the sum of \$160,000 in conjunction with Section 321(a). This sum shall be made available concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact. The Government of the Federated States of Micronesia, in its use of such funds, shall take into account the impact of the activities of the Government of the United States in Yap State, Federated States of Micronesia.

Post, p. 1824.

Section 214

Grants.

As a contribution to efforts aimed at achieving increased self-sufficiency in energy production, the Government of the United States shall provide on a current account grant basis for fourteen years commencing on the first anniversary of the effective date of this Compact the following amounts:

(a) To the Government of the Marshall Islands, \$2 million annually.

(b) To the Government of the Federated States of Micronesia, \$3 million annually.

Section 215

(a) As a contribution to the current account operations and maintenance of communications systems, the Government of the United States shall provide on a grant basis for fifteen years commencing on the effective date of this Compact the following amounts:

Grants.

(1) to the Government of the Marshall Islands, \$300,000 annually; and

(2) to the Government of the Federated States of Micronesia, \$600,000 annually.

(b) For the purpose of acquiring such communications hardware as may be located within the Marshall Islands and the Federated States of Micronesia or for such other current or capital account activity as may be selected, the Government of the United States shall provide, concurrently with the grant assistance provided pursuant to this Article during the first year after the effective date of this Compact, the sum of \$9 million to be allocated as follows:

Communications
and
telecommunications

(1) to the Government of the Marshall Islands, \$3 million; and

(2) to the Government of the Federated States of Micronesia, \$6 million.

Section 216

(a) The Government of the United States shall provide on a current account basis an annual grant of \$5.369 million for fifteen years commencing on the effective date of this Compact for the purposes set forth below:

Grants.

(1) \$890,000 annually for the surveillance and enforcement by the Governments of the Marshall Islands and the Federated States of Micronesia of their respective maritime zones;

(2) \$1.791 million annually for health and medical programs, including referrals to hospital and treatment centers; and

(3) \$2.687 million annually for a scholarship fund or funds to support the post-secondary education of citizens of the Marshall Islands and the Federated States of Micronesia attending

United States accredited, post-secondary institutions in the United States, its territories and possessions, the Marshall Islands or the Federated States of Micronesia. The curricula criteria for the award of scholarships shall be designed to advance the purposes of the plans referred to in Section 211(b).

Ante, p. 1813.

(b) The Government of the United States shall provide the sum of \$1.333 million as a contribution to the commencement of activities pursuant to Section 216(a)(1).

Grants.

(c) The annual grants referred to in Section 216(a) and the sum referred to in Section 216(b) shall be made available by the Government of the United States promptly after it receives instruction for their distribution agreed upon by the Governments of the Marshall Islands and the Federated States of Micronesia.

Section 217

Ante, p. 1813.
Ante, pp. 1814,
1815; *post*, p.
1818.

Except as otherwise provided, the amounts stated in Sections 211, 212, 214, 215 and 231 shall be adjusted for each Fiscal Year by the percent which equals two-thirds of the percentage change in the United States Gross National Product Implicit Price Deflator, or seven percent, whichever is less in any one year, using the beginning of Fiscal Year 1981 as the base.

Section 218

If in any year the funds made available by the Government of the United States for that year pursuant to this Article or Section 231 are not completely obligated by the recipient Government, the unobligated balances shall remain available in addition to the funds to be provided in subsequent years.

Section 219

All funds previously appropriated to the Trust Territory of the Pacific Islands which are unobligated by the Government of the Trust Territory of the Pacific Islands as of the effective date of this Compact shall accrue to the Governments of the Marshall Islands and the Federated States of Micronesia for the purposes for which such funds were originally appropriated as determined by the Government of the United States.

Article II

Program Assistance

Section 221

Post, p. 1818.

(a) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia, in accordance with and to the extent provided in the separate agreements referred to in section 232, without compensation and at the levels equivalent to those available to the Trust Territory of the Pacific Islands during the year prior to the effective date of this Compact, the services and related programs:

- (1) of the United States Weather Service;
- (2) of the United States Federal Emergency Management Agency;
- (3) provided pursuant to the Postal Reorganization Act, 39 U.S.C. 101 et seq.;
- (4) of the United States Federal Aviation Administration; and
- (5) of the United States Civil Aeronautics Board or its successor agencies which has the authority to implement the provi-

sions of paragraph 5 of Article IX of such separate agreements, the language of which is incorporated into this Compact.

(b) The Government of the United States, recognizing the special needs of the Marshall Islands and the Federated States of Micronesia particularly in the fields of education and health care, shall make available, as provided by the laws of the United States, the annual amount of \$10 million which shall be allocated in accordance with the provisions of the separate agreement referred to in Section 232.

Post, p. 1818.
Conservation.

(c) The Government of the United States shall make available to the Marshall Islands and the Federated States of Micronesia such alternate energy development projects, studies and conservation measures as are applicable to the Trust Territory of the Pacific Islands on the day preceding the effective date of this Compact, for the purposes and duration provided in the laws of the United States.

(d) The Government of the United States shall have and exercise such authority as is necessary for the purposes of this Article and as is set forth in the separate agreements referred to in Section 232, which shall also set forth the extent to which services and programs shall be provided to the Marshall Islands and the Federated States of Micronesia.

Section 222

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall consult regularly or upon request regarding:

(a) the economic development of the Marshall Islands or the Federated States of Micronesia; or

(b) the services and programs referred to in this Article. These services and programs shall continue to be provided by the Government of the United States unless their modification is provided by mutual agreement or their termination in whole or in part is requested by any recipient Government.

Section 223

The citizens of the Marshall Islands and the Federated States of Micronesia who are receiving post-secondary educational assistance from the Government of the United States on the day preceding the effective date of this Compact shall continue to be eligible, if otherwise qualified, to receive such assistance to complete their academic programs for a maximum of four years after the effective date of this Compact.

Education.

Section 224

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia may agree from time to time to the extension of additional United States grant assistance, services and programs as provided by the Laws of the United States, to the Marshall Islands or the Federated States of Micronesia, respectively.

Grants.

Section 225

The Governments of the Marshall Islands and the Federated States of Micronesia shall make available to the Government of the United States at no cost such land as may be necessary for the operations of the services and programs provided pursuant to this Article, and such facilities as are provided by the Government of the Marshall Islands or the Federated States of Micronesia at no cost to

the Government of the United States as of the effective date of this Compact or as may be mutually agreed thereafter.

Section 226

The Governments of the Marshall Islands and the Federated States of Micronesia may request, from time to time, technical assistance from the federal agencies and institutions of the Government of the United States, which are authorized to grant such technical assistance in accordance with its laws and which shall grant such technical assistance in a manner which gives priority consideration to the Marshall Islands and the Federated States of Micronesia over other recipients not a part of the United States, its territories or possessions. The Government of the United States shall coordinate the provision of such technical assistance in consultation with the respective recipient Government.

Section 227

In recognition of the special development needs of the Federated States of Micronesia, the Government of the United States shall make available United States military Civic Action Teams for use in the Federated States of Micronesia under terms and conditions specified in a separate agreement which shall come into effect simultaneously with this Compact.

Article III

Administrative Provisions

Section 231

Effective date.

Upon the thirteenth anniversary of the effective date of this Compact, the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia shall commence negotiations regarding those provisions of this Compact which expire on the fifteenth anniversary of its effective date. If these negotiations are not concluded by the fifteenth anniversary of the effective date of this Compact, the period of negotiations shall extend for not more than two additional years during which time the provisions of this Compact including Titles Three and Four shall remain in full force and effect. During this additional period of negotiations, the Government of the United States shall continue its assistance to the Governments with which it is negotiating pursuant to this Section at a level which is the average of the annual amounts granted pursuant to Sections 211, 212, 213, 214, 215 and 216 during the first fifteen years of this Compact. The average annual amount paid pursuant to Sections 211, 212, 214 and 215 shall be adjusted pursuant to Section 217.

Ante, pp. 1813-1816.

Ante, p. 1816.

Section 232

Ante, p. 1816.

The specific nature, extent and contractual arrangements of the services and programs provided for in Section 221 as well as the legal status of agencies of the Government of the United States, their civilian employees and contractors, and the dependents of such personnel while present in the Marshall Islands or the Federated States of Micronesia, and other arrangements in connection with service or program furnished by the Government of the United States, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

Section 233

The Government of the United States, in consultation with the governments of the Marshall Islands and the Federated States of Micronesia, shall determine and implement procedures for the periodic audit of all grants and other assistance made under Article I of this Title and of all funds expended for the services and programs provided under Article II of this Title. Such audits shall be conducted on an annual basis during the first five years following the effective date of this Compact and shall be at no cost to the Government of the Marshall Islands or the Federated States of Micronesia.

Audit.
Grants.

Section 234

Title to the property of the Government of the United States situated in the Trust Territory of the Pacific Islands or acquired for use by the Government of the Trust Territory of the Pacific Islands on or before the day preceding the effective date of this Compact shall, without reimbursement or transfer of funds, vest in the Government of the Marshall Islands and the Federated States of Micronesia as set forth in a separate agreement which shall come into effect simultaneously with this Compact. The provisions of this section shall not apply to the property of the Government of the United States for which the Government of the United States determines a continuing requirement.

Real property.

Section 235

(a) Funds held in trust by the High Commissioner of the Trust Territory of the Pacific Islands, in his official capacity, as of the effective date of this Compact shall remain available as trust funds for their designated beneficiaries. The Government of the United States, in consultation with the Government of the Marshall Islands and the Federated States of Micronesia, shall appoint a new trustee who shall exercise the functions formerly exercised by the High Commissioner of the Trust Territory of the Pacific Islands.

(b) To provide for the continuity of administration, and to assure the Governments of the Marshall Islands and the Federated States of Micronesia that the purposes of the laws of the United States are carried out and that the funds of any other trust fund in which the High Commissioner of the Trust Territory of the Pacific Islands has authority of a statutory or customary nature shall remain available as trust funds to their designated beneficiaries, the Government of the United States agrees to assume the authority formerly vested in the High Commissioner of the Trust Territory of the Pacific Islands.

Section 236

Except as otherwise provided, approval of this Compact by the Government of the United States shall constitute a pledge of the full faith and credit of the United States for the full payment of the sums and amounts specified in Articles I and III of this Title. The obligation of the United States under Articles I and III of this Title shall be enforceable in the United States Claims Court, or its successor court, which shall have jurisdiction in cases arising under this Section, notwithstanding the provisions of 28 U.S.C. 1502, and which court's decisions shall be reviewable as provided by the laws of the United States.

Article IV

Trade

Section 241

The Marshall Islands and the Federated States of Micronesia are not included in the customs territory of the United States.

Section 242

Imports.

19 USC 1202.

For the purpose of assessing duties on their products imported into the customs territory of the United States, the Marshall Islands and the Federated States of Micronesia shall be treated as if they were insular possessions of the United States within the meaning of General Headnote 3(a) of the Tariff Schedules of the United States. The exceptions, valuation procedures and all other provisions of General Headnote 3(a) shall apply to any product deriving from the Marshall Islands or the Federated States of Micronesia.

Section 243

Imports.

All products of the Marshall Islands or the Federated States of Micronesia imported into the customs territory of the United States which are not accorded the treatment set forth in Section 242 are, as if they were products of the United States imported into the Marshall Islands or the Federated States of Micronesia shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage or use.

Article V

Finance and Taxation

Section 251

The currency of the United States is the official circulating legal tender of the Marshall Islands and the Federated States of Micronesia. Should the Government of the Marshall Islands or the Federated States of Micronesia act to institute another currency, the terms of an appropriate currency transitional period shall be agreed with the Government of the United States.

Section 252

26 USC prec. 1.

The Government of the Marshall Islands or the Federated States of Micronesia may, with respect to United States persons, income derived from sources within its respective jurisdiction, property situated therein, including transfers of such property by gift at death, and products consumed therein, in such manner as such Government deems appropriate. The determination of the source of any income, or the situs of any property, shall for purposes of the Compact be made according to the United States Internal Revenue Code.

Section 253

A citizen of the Marshall Islands or the Federated States of Micronesia, domiciled therein, shall be exempt from:

(a) Income taxes imposed by the Government of the United States upon fixed or determinable annual income.

(b) Estate, gift, and generation-skipping transfer taxes imposed by the Government of the United States.

Section 254

(a) In determining any income tax imposed by the Government of the Marshall Islands or the Federated States of Micronesia, those Governments shall have authority to impose tax upon income derived by a resident of the Marshall Islands or the Federated States of Micronesia from sources without the Marshall Islands and the Federated States of Micronesia, in the same manner and to the same extent as those Governments impose tax upon income derived from within their respective jurisdictions. If the Government of the Marshall Islands or the Federated States of Micronesia exercises such authority as provided in this subsection, any individual resident of the Marshall Islands or the Federated States of Micronesia who is subject to tax by the Government of the United States on income which is also taxed by the Government of the Marshall Islands or the Federated States of Micronesia shall be relieved of liability to the Government of the United States for the tax which, but for this subsection, would otherwise be imposed by the Government of the United States on such income. For purposes of this Section, the term "resident of the Marshall Islands or the Federated States of Micronesia" shall be deemed to include any person who was physically present in the Marshall Islands or the Federated States of Micronesia for a period of 183 or more days during any taxable year; provided, that as between the Government of the Marshall Islands and the Federated States of Micronesia, the authority to tax an individual resident of the Marshall Islands or the Federated States of Micronesia in respect of income from sources without the Marshall Islands and the Federated States of Micronesia as provided in this subsection may be exercised only by the Government in whose jurisdiction such individual was physically present for the greatest number of days during the taxable year.

(b) If the Government of the Marshall Islands or the Federated States of Micronesia subjects income to taxation substantially similar to that imposed by the Trust Territory Code in effect on January 1, 1980, such Government shall be deemed to have exercised the authority described in Section 254(a).

Section 255

Where not otherwise manifestly inconsistent with the intent of this Compact, provisions in the United States Internal Revenue Code that are applicable to possessions of the United States as of January 1, 1980 shall be treated as applying to the Marshall Islands and the Federated States of Micronesia. If such provisions of the Internal Revenue Code are amended, modified or repealed after that date, such provisions shall continue in effect as to the Marshall Islands and the Federated States of Micronesia for a period of two years during which time the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia shall negotiate an agreement which shall provide benefits substantially equivalent to those which obtained under such provisions.

TITLE THREE

SECURITY AND DEFENSE RELATIONS

Article I

Authority and Responsibility

Section 311

(a) The Government of the United States has full authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

(b) This authority and responsibility includes:

(1) the obligation to defend the Marshall Islands and the Federated States of Micronesia and their peoples from attack or threats thereof as the United States and its citizens are defended;

(2) the option to foreclose access to or use of the Marshall Islands and the Federated States of Micronesia by military personnel or for the military purposes of any third country; and

(3) the option to establish and use military areas and facilities in the Marshall Islands and the Federated States of Micronesia, subject to the terms of the separate agreements referred to in Sections 321 and 323.

Post, p. 1824.

(c) The Government of the United States confirms that it shall act in accordance with the principles of international law and the Charter of the United Nations in the exercise of this authority and responsibility.

59 Stat. 1031.

Section 312

Subject to the terms of any agreements negotiated in accordance with Sections 321 and 323, the Government of the United States may conduct within the lands, waters and airspace of the Marshall Islands and the Federated States of Micronesia the activities and operations necessary for the exercise of its authority and responsibility under this Title.

Section 313

(a) The Governments of the Marshall Islands and the Federated States of Micronesia shall refrain from actions which the Government of the United States determines, after appropriate consultation with those Governments, to be incompatible with its authority and responsibility for security and defense matters in or relating to the Marshall Islands and the Federated States of Micronesia.

(b) The consultations referred to in this Section shall be conducted expeditiously at senior levels of the Governments concerned, and the subsequent determination by the Government of the United States referred to in this Section shall be made only at senior interagency levels of the Government of the United States.

(c) The Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of State personally and the United States Secretary of Defense personally regarding any determination made in accordance with this Section.

Section 314

(a) Unless otherwise agreed, the Government of the United States shall not, in the Marshall Islands or the Federated States of Micronesia: Hazardous materials.

(1) test by detonation or dispose of any nuclear weapon, nor test, dispose of, or discharge any toxic chemical or biological weapon; or

(2) test, dispose of, or discharge any other radioactive, toxic chemical or biological materials in an amount or manner which would be hazardous to public health or safety.

(b) Unless otherwise agreed, other than for transit or over flight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, the Marshall Islands or the Federated States of Micronesia, the Government of the United States shall not store in the Marshall Islands or the Federated States of Micronesia any toxic chemical weapon, nor any radioactive materials nor any toxic chemical materials intended for weapons use.

(c) Radioactive, toxic chemical, or biological materials not intended for weapons use shall not be affected by Section 314(b).

(d) No material or substance referred to in this Section shall be stored in the Marshall Islands or the Federated States of Micronesia except in an amount and manner which would not be hazardous to public health or safety. In determining what shall be an amount or manner which would be hazardous to public health or safety under this Section, the Government of the United States shall comply with any applicable mutual agreement, international guidelines accepted by the Government of the United States, and the laws of the United States and their implementing regulations. Prohibitions.

(e) Any exercise of the exemption authority set forth in Section 161(e) shall have no effect on the obligations of the Government of the United States under this Section or on the application of this subsection. Ante, p. 1807.

(f) The provisions of this Section shall apply in the areas in which the Government of the Marshall Islands or the Federated States of Micronesia exercises jurisdiction over the living resources of the seabed, subsoil or water column adjacent to its coasts.

Section 315

The Government of the United States may invite members of the armed forces of other countries to use military areas and facilities in the Marshall Islands or the Federated States of Micronesia, in conjunction with and under the control of United States Armed Forces. Use by units of the armed forces of other countries of such military areas and facilities, other than for transit and overflight purposes, shall be subject to consultation with and, in the case of major units, approval by the Government of the Marshall Islands or the Federated States of Micronesia. Armed Forces.

Section 316

The authority and responsibility of the Government of the United States under this Title may not be transferred or otherwise assigned.

Article II

Defense Facilities and Operating Rights

Section 321

(a) Specific arrangements for the establishment and use by the Government of the United States of military areas and facilities in the Marshall Islands or the Federated States of Micronesia are set forth in separate agreements which shall come into effect simultaneously with this Compact.

(b) If, in the exercise of its authority and responsibility under this Title, the Government of the United States requires the use of areas within the Marshall Islands or the Federated States of Micronesia in addition to those for which specific arrangements are concluded pursuant to Section 321(a), it may request the Government concerned to satisfy those requirements through leases or other arrangements. The Government of the Marshall Islands or the Federated States of Micronesia shall sympathetically consider any such request and shall establish suitable procedures to discuss it with and provide a prompt response to the Government of the United States.

Defense and
national
security.
Real property.

(c) The Government of the United States recognizes and respects the scarcity and special importance of land in the Marshall Islands and the Federated States of Micronesia. In making any request pursuant to Section 321(b), the Government of the United States shall follow the policy of requesting the minimum area necessary to accomplish the required security and defense purpose, of requesting only the minimum interest in real property necessary to support such purpose, and of requesting first to satisfy its requirements through public real property, where available, rather than through private real property.

Section 322

The Government of the United States shall provide and maintain fixed and floating aids to navigation in the Marshall Islands and the Federated States of Micronesia at least to the extent necessary for the exercise of its authority and responsibility under this Title.

Section 323

The military operating rights of the Government of the United States and the legal status and contractual arrangements of the United States Armed Forces, their members, and associated civilians, while present in the Marshall Islands or the Federated States of Micronesia, are set forth in separate agreements which shall come into effect simultaneously with this Compact.

Article III

Defense Treaties and International Security Agreements

Section 331

Subject to the terms of this Compact and its related agreements, the Government of the United States, exclusively, shall assume and enjoy, as to the Marshall Islands and the Federated States of Micronesia, all obligations, responsibilities, rights and benefits of

(a) Any defense treaty or other international security agreement applied by the Government of the United States as Administering

Authority of the Trust Territory of the Pacific Islands as of the day preceding the effective date of this Compact.

(b) Any defense treaty or other international security agreement to which the Government of the United States is or may become a party which it determines to be applicable in the Marshall Islands and the Federated States of Micronesia. Such a determination by the Government of the United States shall be preceded by appropriate consultation with the Government of the Marshall Islands or the Federated States of Micronesia.

Article IV

Service in Armed Forces of the United States

Section 341

Any person entitled to the privileges set forth in Section 141 shall be eligible to volunteer for service in the Armed Forces of the United States, but shall not be subject to involuntary induction into military service of the United States so long as such person does not establish habitual residence in the United States, its territories or possessions.

Ante, p. 1804.

Section 342

The Government of the United States shall have enrolled, at any one time, at least two qualified students, one each from the Marshall Islands and the Federated States of Micronesia, as may be nominated by their respective Governments, in each of:

(a) The United States Coast Guard Academy pursuant to 14 U.S.C. 195.

(b) The United States Merchant Marine Academy pursuant to 46 U.S.C. 1295b(b)(6), provided that the provisions of 46 U.S.C. 1295b(b)(6)(C) shall not apply to the enrollment of students pursuant to Section 342(b) of this Compact.

Article V

General Provisions

Section 351

(a) The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia shall establish two Joint Committees empowered to consider disputes under the implementation of this Title and its related agreements.

(b) The membership of each Joint Committee shall comprise selected senior officials of each of the two participating Governments. The senior United States military commander in the Pacific area shall be the senior United States member of each Joint Committee. For the meetings of each Joint Committee, each of the two participating Governments may designate additional or alternate representatives as appropriate for the subject matter under consideration.

(c) Unless otherwise mutually agreed, each Joint Committee shall meet semi-annually at a time and place to be designated, after appropriate consultation, by the Government of the United States. A Joint Committee also shall meet promptly upon request of either of its members. Upon notification by the Government of the United States, the Joint Committees so notified shall meet promptly in a combined session to consider matters within the jurisdiction of more

than one Joint Committee. Each Joint Committee shall follow such procedures, including the establishment of functional subcommittees, as the members may from time to time agree.

(d) Unresolved issues in each Joint Committee shall be referred to the Governments concerned for resolution, and the Government of the Marshall Islands or the Federated States of Micronesia shall be afforded, on an expeditious basis, an opportunity to raise its concerns with the United States Secretary of Defense personally regarding any unresolved issue which threatens its continued association with the Government of the United States.

Section 352

In the exercise of its authority and responsibility under Title Three, the Government of the United States shall accord due respect to the authority and responsibility of the Governments of the Marshall Islands and the Federated States of Micronesia under Titles One, Two and Four and to their responsibility to assure the well-being of their peoples.

Post, p. 1827.

Section 353

(a) The Government of the United States shall not include any of the Governments of the Marshall Islands and the Federated States of Micronesia as named parties to a formal declaration of war, without their respective consent.

(b) Absent such consent, this Compact is without prejudice, on the ground of belligerence or the existence of a state of war, to any claims for damages which are advanced by the citizens, nationals or Government of the Marshall Islands or the Federated States of Micronesia, which arise out of armed conflict subsequent to the effective date of this Compact and which are:

(1) petitions to the Government of the United States for redress; or

(2) claims in any manner against the government, citizens, nationals or entities of any third country.

(c) Petitions under Section 353(b)(1) shall be treated as if they were made by citizens of the United States.

Section 354

(a) Notwithstanding any other provision of this Compact, the provisions of this Title are binding from the effective date of this Compact for a period of fifteen years between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia and thereafter as mutually agreed or in accordance with Section 231, unless earlier terminated by mutual agreement pursuant to Section 441, or amended pursuant to Article III of Title Four.

Ante, p. 1818.

Post, p. 1829.

Defense and
national
security.

Ante, p. 1824.

(b) The Government of the United States recognizes, in view of the special relationship between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, and in view of the existence of separate agreements with each of them pursuant to Sections 321 and 323, that, even if this Title should terminate, any attack on the Marshall Islands or the Federated States of Micronesia during the period in which such separate agreements are in effect, would constitute a threat to the peace and security of the entire region and a danger to the United States. In the event of such an attack, the Government of the United States would take action to meet the danger to the

United States and to the Marshall Islands and the Federated States of Micronesia in accordance with its constitutional processes.

TITLE FOUR

GENERAL PROVISIONS

Article I

Approval and Effective Date

Section 411

This Compact shall come into effect upon mutual agreement between the Government of the United States, acting in fulfillment of its responsibilities as Administering Authority of the Trust Territory of the Pacific Islands, and the Government of the Marshall Islands or the Federated States of Micronesia and subsequent to completion of the following:

(a) Approval by the Government of the Marshall Islands or the Federated States of Micronesia in accordance with its constitutional processes.

(b) Conduct of the plebiscite referred to in Section 412.

(c) Approval by the Government of the United States in accordance with its constitutional processes.

Section 412

A plebiscite shall be conducted in each of the Marshall Islands and the Federated States of Micronesia for the free and voluntary choice by the peoples of the Trust Territory of the Pacific Islands of their future political status through informed and democratic processes. The Marshall Islands and the Federated States of Micronesia shall each be considered a voting jurisdiction, and the plebiscite shall be conducted under fair and equitable standards in each voting jurisdiction. The Administering Authority of the Trust Territory of the Pacific Islands, after consultation with the Governments of the Marshall Islands and the Federated States of Micronesia, shall fix the date on which the plebiscite shall be called in each voting jurisdiction. The plebiscite shall be called jointly by the Administering Authority of the Trust Territory of the Pacific Islands and the other Signatory Government concerned. The results of the plebiscite in each voting jurisdiction shall be determined by a majority of the valid ballots cast in that voting jurisdiction.

Article II

Conference and Dispute Resolution

Section 421

The Government of the United States shall confer promptly at the request of the Government of the Marshall Islands or the Federated States of Micronesia and any of those Governments shall confer promptly at the request of the Government of the United States on matters relating to the provisions of this Compact or of its related agreements.

Section 422

In the event the Government of the United States, or the Government of the Marshall Islands or the Federated States of Micronesia, after conferring pursuant to Section 421, determines that there is a dispute and gives written notice thereof, the Governments which are parties to the dispute shall make a good faith effort to resolve the dispute among themselves.

Section 423

If a dispute between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia cannot be resolved within 90 days of written notification in the manner provided in Section 422, either party to the dispute may refer it to arbitration in accordance with Section 424.

Section 424

Should a dispute be referred to arbitration as provided for in Section 423, an Arbitration Board shall be established for the purpose of hearing the dispute and rendering a decision which shall be binding upon the two parties to the dispute unless the two parties mutually agree that the decision shall be advisory. Arbitration shall occur according to the following terms:

(a) An Arbitration Board shall consist of a Chairman and other members, each of whom shall be a citizen of a party to the dispute. Each of the two Governments which is a party to the dispute shall appoint one member to the Arbitration Board. If either party to the dispute does not fulfill the appointment requirement of this Section within 30 days of referral of the dispute to arbitration pursuant to Section 423, its member on the Arbitration Board shall be selected from its own standing list by the other party to the dispute. Each Government shall maintain a standing list of candidates. The parties to the dispute shall jointly appoint a Chairman within 15 days after selection of the other members of the Arbitration Board. Failing agreement on a Chairman, the Chairman shall be chosen by lot from the standing lists of the parties to the dispute within 5 days after such failure.

(b) The Arbitration Board shall have jurisdiction to hear and render its final determination on all disputes arising exclusively under Articles I, II, III, IV and V of Title One, Title Two, Title Three and their related agreements.

(c) Each member of the Arbitration Board shall have one vote. Each decision of the Arbitration Board shall be reached by majority vote.

(d) In determining any legal issue, the Arbitration Board shall have reference to international law and, in such reference, shall apply as guidelines the provisions set forth in Article 38 of the Statute of the International Court of Justice.

(e) The Arbitration Board shall adopt such rules for its proceedings as it may deem appropriate and necessary, but such rules shall not contravene the provisions of this Compact. Unless the parties provide otherwise by mutual agreement, the Arbitration Board shall endeavor to render its decision within 30 days after the conclusion of arguments. The Arbitration Board shall make findings of fact and conclusions of law and its members may issue dissenting or individual opinions. Except as may be otherwise decided by the Arbitration Board, one-half of all costs of the arbitration shall be borne by the Government of the United States and the remainder shall be borne by the other party to the dispute.

Article III

Amendment

Section 431

The provisions of this Compact may be amended as to the Governments of the Marshall Islands and the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement.

Section 432

The provisions of this Compact may be amended as to any one of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States at any time by mutual agreement. The effect of any amendment made pursuant to this Section shall be restricted to the relationship between the Governments agreeing to such amendment, but the other Governments signatory to this Compact shall be notified promptly by the Government of the United States of any such amendment.

Article IV

Termination

Section 441

This Compact may be terminated as to any one of the Governments of the Marshall Islands or the Federated States of Micronesia and as to the Government of the United States by mutual agreement and subject to Section 451.

Post, p. 1830.

Section 442

This Compact may be terminated by the Government of the United States as to the Government of the Marshall Islands or the Federated States of Micronesia subject to Section 452, such termination to be effective on the date specified in the notice of termination by the Government of the United States but not earlier than six months following delivery of such notice. The time specified in the notice of termination may be extended.

Post, p. 1830.

Section 443

This Compact shall be terminated, pursuant to their respective constitutional processes, by the Government of the Marshall Islands or the Federated States of Micronesia subject to Section 453 if the people represented by such Government vote in a plebiscite to terminate. Such Government shall notify the Government of the United States of its intention to call such a plebiscite which shall take place not earlier than three months after delivery of such notice. The plebiscite shall be administered by such Government in accordance with its constitutional and legislative processes, but the Government of the United States may send its own observers and invite observers from a mutually agreed party. If a majority of the valid ballots cast in the plebiscite favors termination, such Government shall, upon certification of the results of the plebiscite, give notice of termination to the Government of the United States, such termination to be effective on the date specified in such notice but not earlier than three months following the date of delivery of such notice. The time specified in the notice of termination may be extended.

Post, p. 1830.

Article V

Survivability

Section 451

Ante, p. 1829.

Should termination occur pursuant to Section 441, economic assistance by the Government of the United States shall continue on mutually agreed terms.

Section 452

Ante, p. 1829.

(a) Should termination occur pursuant to Section 442, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed:

Ante, pp. 1810,

1812.

Ante, p. 1819.

(1) Article VI and Sections 172, 173, 176 and 177 of Title One;

(2) Article I and Section 233 of Title Two;

(3) Title Three; and

(4) Articles II, III, V and VI of Title Four.

Ante, p. 1829.

(b) The Government of the United States shall also provide the Government as to which termination occurs pursuant to Section 442 with either the programs or services provided pursuant to Article II of Title Two as the time of termination, or their equivalent, as determined by the Government of the United States. Such assistance shall continue until the fifteenth anniversary of the effective date of this Compact, and thereafter as mutually agreed.

Section 453

Ante, p. 1829.

(a) Should termination occur pursuant to Section 443, the following provisions of this Compact shall remain in full force and effect until the fifteenth anniversary of the effective date of this Compact between the Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia and thereafter as mutually agreed:

(1) Article VI and Sections 172, 173, 176 and 177 of Title One;

(2) Title Three; and

(3) Articles II, III, V and VI of Title Four.

(b) Upon receipt of notice of termination pursuant to Section 443, the Government of the United States and the Government so terminating shall promptly consult with regard to their future relationship. These consultations shall determine the level of economic assistance which the Government of the United States shall provide to the Government so terminating for the period ending on the fifteenth anniversary of the effective date of this Compact provided that the annual amounts specified in Sections 211, 212, 214, 215 and 216 shall continue without diminution. Such amounts, with the exception of those specified in Section 216, shall be adjusted according to the formula set forth in Section 217.

Ante, pp. 1813-1815.*Ante*, p. 1816.

Section 454

Notwithstanding any other provision of this Compact:

(a) The Government of the United States reaffirms its continuing interest in promoting the long-term economic advancement and self-sufficiency of the peoples of the Marshall Islands and the Federated States of Micronesia.

(b) The separate agreements referred to in Article II of the Title Three shall remain in effect in accordance with their terms which shall also determine the duration of Section 213.

Ante, p. 1814.

Article VI

Definition of Terms

Section 461

For the purpose of this Compact only and without prejudice to the views of the Government of the United States or the Government of the Marshall Islands or the Federated States of Micronesia as to the nature and extent of the jurisdiction under international law of any of them, the following terms shall have the following meanings:

(a) "Trust Territory of the Pacific Islands" means the area established in the Trusteeship Agreement consisting of the administrative districts of Kosrae, Yap, Ponape, the Marshall Islands and Truk as described in Title One, Trust Territory Code, Section 1, in force on January 1, 1979. This term does not include the area of Palau or the Northern Mariana Islands.

(b) "Trusteeship Agreement" means the agreement setting forth the terms of trusteeship for the Trust Territory of the Pacific Islands, approved by the Security Council of the United Nations April 2, 1947, and by the United States July 18, 1947, entered into force July 18, 1947, 61 Stat. 3301, T.I.A.S. 1665, 8 U.N.T.S. 189.

(c) "The Marshall Islands" and "the Federated States of Micronesia" are used in a geographic sense and include the land and water areas to the outer limits of the territorial sea and the air space above such areas as now or hereafter recognized by the Government of the United States.

(d) "Government of the Marshall Islands" means the Government established and organized by the Constitution of the Marshall Islands including all the political subdivisions and entities comprising that Government.

"Government of the Federated States of Micronesia" means the Government established and organized by the Constitution of the Federated States of Micronesia including all the political subdivisions and entities comprising that Government.

(e) The following terms shall be defined consistent with the 1976 Edition of the Radio Regulations of the International Telecommunications Union (ISBN 92-61-0081-5) as follows:

(1) "Radio Communications" means telecommunication by means of radio waves.

(2) "Station" means one or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radio communication service; each station shall be classified by the service in which it operates permanently or temporarily.

(3) "Broadcasting Service" means a radio communication service in which the transmissions are intended for direct reception by the general public, and which may include sound transmissions, television transmissions or other types of transmissions.

(4) "Broadcasting Station" means a station in the broadcasting service.

(f) "Frequency Assignment" means the same as "Frequency Assignment" means in the 1976 Edition of the Radio Regulations of the International Telecommunications Union (ISBN 92-61-0081-5).

(g) "Habitual Residence" means a place of general abode or a principal, actual dwelling place of a continuing or lasting nature; provided, however, that this term shall not apply to the residence of any person who entered the United States for the purpose of full-time studies as long as such person maintains that status, or who has been physically present in the United States, the Marshall Islands, or the Federated States of Micronesia for less than one year, or who is a dependent of a resident representative, as described in Section 152.

Ante, p. 1806.

(h) For the purposes of Article IV of Title One of this Compact:

(1) "Actual Residence" means physical presence in the Marshall Islands or the Federated States of Micronesia during eighty-five percent of the period of residency required by Section 141(a)(3); and

Ante, p. 1804.

(2) "Certificate of Actual Residence" means a certificate issued to a naturalized citizen by the Government which has naturalized him stating that the citizen has complied with the actual residence requirement of Section 141(a)(3).

(i) "Military Areas and Facilities" means those areas and facilities in the Marshall Islands or the Federated States of Micronesia reserved or acquired by the Government of the Marshall Islands or the Federated States of Micronesia for use by the Government of the United States, as set forth in the separate agreements referred to in Section 321.

Ante, p. 1824.

(j) "Capital Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for:

Ante, p. 1816.

(1) the construction or major repair of capital infrastructure;

or

(2) public and private sector projects identified in the official overall economic development plan.

(k) "Current Account" means, for each year of the Compact, those portions of the total grant assistance provided in Article I of Title Two, adjusted by Section 217, which are to be obligated for recurring operational activities including infrastructure maintenance as identified in the annual budget justifications submitted yearly to the Government of the United States.

(l) "Official Overall Economic Development Plan" means the documented program of annual development which identifies the specific policy and project activities necessary to achieve a specified set of economic goals and objectives during the period of free association, consistent with the economic assistance authority in Title Two. Such a document should include an analysis of population trends, manpower requirements, social needs, gross national product estimates, resource utilization, infrastructure needs and expenditures, and the specific private sector projects required to develop the local economy of the Marshall Islands or the Federated States of Micronesia. Project identification should include initial cost estimates, with project purposes related to specific development goals and objectives.

(m) "Tariff Schedules of the United States" means the Tariff Schedules of the United States as amended from time to time and as promulgated pursuant to United States law and includes the Tariff Schedules of the United States Annotated (TSUSA), as amended.

19 USC 1202.

(n) "Vienna Convention on Diplomatic Relations" means the Vienna Convention on Diplomatic Relations, done April 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502, 500 U.N.T.S. 95.

Section 462

The Government of the United States and the Government of the Marshall Islands or the Federated States of Micronesia, as appropriate, shall conclude related agreements which shall come into effect and shall survive in accordance with their terms, as follows:

(a) Agreement Regarding the Provision of Telecommunication Services by the Government of the United States to the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 131 of the Compact of Free Association;

Ante, p. 1803.

(b) Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in the Marshall Islands and the Federated States of Micronesia Concluded Pursuant to Section 132 of the Compact of Free Association;

Ante, p. 1804.

(c) Agreement on Extradition, Mutual Assistance in Law Enforcement Matters and Penal Sanctions Concluded Pursuant to Section 175 of the Compact of Free Association;

Ante, p. 1812.

(d) Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association;

Ante, p. 1812.

(e) Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association;

Ante, p. 1818.

(f) Agreement Concluded Pursuant to Section 234 of the Compact of Free Association;

Ante, p. 1819.

(g) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Marshall Islands Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association;

Ante, p. 1824.

(h) Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Federated States of Micronesia Concluded Pursuant to Sections 227, 321 and 323 of the Compact of Free Association;

Ante, pp. 1818, 1824.

(i) Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact of Free Association;

(j) Agreement Between the Government of the United States and the Government of the Federated States of Micronesia Regarding Friendship, Cooperation and Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association; and

(k) Agreement Between the Government of the United States and the Government of the Marshall Islands Regarding Mutual Security Concluded Pursuant to Sections 321 and 323 of the Compact of Free Association.

Section 463

(a) Except as set forth in Section 463(b), any reference in this Compact to a provision of the United States Code or the Statutes at Large of the United States constitutes the incorporation of the language of such provision into this Compact, as such provision was in force on January 1, 1980.

(b) Any reference in Article VI of Title One and Sections 131, 174, 175, 178 and 342 to a provision of the United States Code or the Statutes at Large of the United States or to the Privacy Act, the Freedom of Information Act or the Administrative Procedure Act

Ante, pp. 1803, 1810.

Ante, pp. 1812, 1813, 1825.

5 USC 552a note.
5 USC 552 note,
prec. 551.

constitutes the incorporation of the language of such provision into this Compact as such provision is in force on the effective date of this Compact or as it may be amended thereafter on a non-discriminatory basis according to the constitutional processes of the United States.

Article VII

Concluding Provisions

Section 471

(a) The Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia agree that they have full authority under their respective Constitutions to enter into this Compact and its related agreements and to fulfill all of their respective responsibilities in accordance with the terms of this Compact and its related agreements. The Governments pledge that they are so committed.

(b) Each of the Governments of the United States, the Marshall Islands and the Federated States of Micronesia shall take all necessary steps, of a general or particular character, to ensure, not later than the effective date of this Compact, the conformity of its laws, regulations and administrative procedures with the provisions of this Compact.

(c) Without prejudice to the effects of this Compact under international law, this Compact has the force and effect of a statute under the laws of the United States.

Section 472

This Compact may be accepted, by signature or otherwise, by the Government of the United States, the Government of the Marshall Islands, and the Government of the Federated States of Micronesia. Each Government accepting this Compact shall possess an original English language version.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Compact of Free Association which shall come into effect in accordance with its terms between the Government of the United States and each of the other Governments signatory to this Compact.

DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF

OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO

FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA

AMBASSADOR FRED M. ZEDER, II

PRESIDENT'S PERSONAL REPRESENTATIVE

FOR MICRONESIAN STATUS NEGOTIATIONS

DONE AT HONOLULU, HAWAII, THIS 1ST DAY OF

OCTOBER, ONE THOUSAND, NINE HUNDRED EIGHTY-TWO

FOR THE GOVERNMENT

OF

THE FEDERATED STATES OF MICRONESIA

HONORABLE ANDON L. AMARAICH
CHAIRMAN, COMMISSION ON FUTURE
POLITICAL STATUS AND TRANSITION

DONE AT MAJURO, MARSHALL ISLANDS, THIS 25TH DAY

OF JUNE, ONE THOUSAND, NINE HUNDRED, EIGHTY-THREE

FOR THE GOVERNMENT

OF

THE UNITED STATES OF AMERICA

AMBASSADOR FRED M. ZEDER, II
PRESIDENT'S PERSONAL REPRESENTATIVE
FOR MICRONESIAN STATUS NEGOTIATIONS

DONE AT MAJURO, MARSHALL ISLANDS, THIS 25TH DAY

OF JUNE, ONE THOUSAND, NINE HUNDRED EIGHTY-THREE

FOR THE GOVERNMENT

OF

THE MARSHALL ISLANDS

PRESIDENT AMATA KABUA
PRESIDENT OF THE REPUBLIC
OF THE MARSHALL ISLANDS

SEC. 202. JURISDICTION.

(a) With respect to section 321 of the Compact of Free Association and its related agreements, the jurisdictional provisions set forth in subsection (b) of this section shall apply only to the citizens and nationals of the United States and aliens lawfully admitted to the United States for permanent residence who are in the Marshall Islands or the Federated States of Micronesia.

(b)(1) The defense sites of the United States established in the Marshall Islands or the Federated States of Micronesia in accordance with the Compact of Free Association and its related agreements are within the special maritime and territorial jurisdiction of the United States as set forth in section 7, title 18, United States Code.

(2) Any person referred to in subsection (a) of this section who within or upon such defense sites is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State of Hawaii by the laws thereof, in force at

48 USC 1681
note.
Ante, p. 1824.

Hawaii.

Courts, U.S.
Hawaii.

Hawaii.

28 USC 631 *et*
seq.

98 Stat. 3138.

the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(3) The United States District Court for the District of Hawaii shall have jurisdiction to try all criminal offenses against the United States, including the laws of the State of Hawaii made applicable to the defense sites in the Marshall Islands or the Federated States of Micronesia by virtue of paragraph (2) of this subsection, committed by any person referred to in subsection (a) of this section.

(4) The United States District Court for the District of Hawaii may appoint one or more magistrates for the defense sites in the Marshall Islands. Such Magistrates shall have the power and the status of Magistrates appointed pursuant to chapter 43, title 28, United States Code, provided, however that such Magistrates shall have the power to try persons accused of and sentence persons convicted of petty offenses, as defined in section 1(3), title 18, United States Code, including violations of regulations for the maintenance of peace, order, and health issued by the Commanding Officer on such defense sites, without being subject to the restrictions provided for in section 3401(b), title 18, United States Code.

TITLE III—PACIFIC POLICY REPORTS

48 USC 1681
note.

SEC. 301. FINDINGS.

The Congress finds that—

(1) the United States does not have a clearly defined policy for United States noncontiguous Pacific areas (including the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the State of Hawaii, and the State of Alaska) and for United States-associated noncontiguous Pacific areas (including the Federated States of Micronesia, the Marshall Islands, and Palau);

(2) the Federal Government has often failed to consider the implications for, effects on, and potential of noncontiguous Pacific areas in the formulation and conduct of foreign and domestic policy, to the detriment of both the attainment of the objectives of Federal policy and noncontiguous Pacific areas;

(3) policies and programs designed for the United States as a whole may impose inappropriate standards on noncontiguous Pacific areas because of their unique circumstances and needs; and

(4) the present Federal organizational arrangements for liaison with (and providing assistance to) the insular areas may not be adequate—

(A) to coordinate the delivery of Federal programs and services to noncontiguous Pacific areas;

(B) to provide a consistent basis for administration of such programs;

(C) to adapt policy to the special requirements of each area and modify the application of Federal programs, laws, and regulations accordingly;

(D) to be responsive to the Congress in the discharge of its responsibilities; and

(E) to attain the international obligations of the United States.

SEC. 302. REPORTS.48 USC 1681
note.

(a) **SUBMISSION.**—Not later than one year after the date of the enactment of this joint resolution and each five years thereafter, the Secretary of the Interior, in consultation with the Secretary of State, shall submit to the Congress and the President a report on United States noncontiguous Pacific areas policy together with such recommendations as may be necessary to accomplish the objectives of such policy.

(b) **CONTENTS.**—The reports required in subsection (a) of this section shall set forth clearly defined policies regarding United States, and United States associated, noncontiguous Pacific areas, including—

(1) the role of and impacts on the noncontiguous Pacific areas in the formulation and conduct of foreign policy;

(2) the applicability of standards contained in Federal laws, regulations, and programs to the noncontiguous Pacific areas and any modifications which may be necessary to achieve the intent of such laws, regulations, and programs consistent with the unique character of the noncontiguous Pacific areas;

(3) the effectiveness of the Federal executive organizational arrangements for—

(A) providing liaison between the Federal Government and the governments of the noncontiguous Pacific areas;

(B) coordinating Federal actions in a manner which recognizes the unique circumstances and needs of the noncontiguous Pacific areas; and

(C) achieving the objective of Federal policy and ensuring that the Congress receives the information necessary to discharge its responsibilities; and

(4) actions which may be needed to facilitate the economic and social health and development of the noncontiguous Pacific areas, consistent with their self-determined objectives.

SEC. 303. CONFERENCE.48 USC 1681
note.
Reports.

(a) **MEETING.**—Prior to submitting the reports required under section 302(b), the Secretary of the Interior, in consultation with the Secretary of State, shall convene a conference to obtain the views of the noncontiguous Pacific areas on the matters required to be addressed in such reports.

(b) **PARTICIPANTS.**—Representatives of each of the noncontiguous Pacific areas; and the heads of all executive departments and agencies, and other public and private organizations concerned with the noncontiguous Pacific areas as requested by the Secretary of the Interior shall be entitled to be participants in the conference.

(c) **WRITTEN COMMENTS.**—The Secretary of the Interior shall afford participants in the conference an opportunity to submit written comments for inclusion in the reports required under section 302.

SEC. 304. ADMINISTRATIVE MATTERS.48 USC 1681
note.

(a) **ADMINISTRATIVE SUPPORT.**—The Secretary of the Interior shall provide all necessary administrative support to accomplish the requirements of sections 302 and 303.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE IV—CLARIFICATION OF CERTAIN TRADE AND TAX PROVISIONS OF THE COMPACT

48 USC 1681
note.
Ante, p. 1820.

SEC. 401. FREELY ASSOCIATED STATES TARIFF TREATMENT.

(a) **SECTION 242.**—Section 242 of the Compact shall be construed and applied as if it read as follows:

“Section 242

President of U.S.

“The President shall proclaim the following tariff treatment for articles imported from the Federated States of Micronesia or the Marshall Islands which shall apply during the period of effectiveness of this title:

98 Stat. 3020.

“(1) Unless otherwise excluded, articles imported from the Federated States of Micronesia or the Marshall Islands, subject to the limitations imposed under sections 503(b) and 504(c) of title 5 of the Trade Act of 1974 (19 U.S.C. 2463(b); 2464(c)), shall be exempt from duty.

Tuna fish.
Imports.
19 USC 1202.

“(2) Only canned tuna provided for in item 112.30 of the Tariff Schedules of the United States that is imported from the Federated States of Micronesia and the Marshall Islands during any calendar year not to exceed 10 percent of the United States consumption of canned tuna during the immediately preceding calendar year, as reported by the National Marine Fisheries Service, shall be exempt from duty; but the quantity of tuna given duty free treatment under this paragraph for any calendar year shall be counted against the aggregate quantity of canned tuna that is dutiable under rate column numbered 1 of such item 112.30 for that calendar year.

Prohibitions.

“(3) The duty-free treatment provided under paragraph (1) shall not apply to—

“(A) watches, clocks, and timing apparatus provided for in subpart E of part 2 of schedule 7 of the Tariff Schedules of the United States;

“(B) buttons (whether finished or not finished) provided for in item 745.32 of such Schedules;

“(C) textile and apparel articles which are subject to textile agreements; and

“(D) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel which were not eligible articles for purposes of chapter V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) on April 1, 1984.

“(4) If the cost or value of materials produced in the customs territory of the United States is included with respect to an eligible article which is a product of the Federated States of Micronesia or the Marshall Islands, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied for duty assessment purposes toward determining the percentage referred to in section 503(b)(2) of title V of the Trade Act of 1974.”

98 Stat. 3020.

Ante, p. 1820.

(b) **SECTION 243.**—Section 243 of the Compact shall be construed and applied as if it read as follows:

“Section 243

Imports.

“Articles imported from the Federated States of Micronesia or the Marshall Islands which are not exempt from duty under paragraphs (1), (2), (3), and (4) of section 242 shall be subject to the rates of duty

set forth in column numbered 1 of the Tariff Schedules of the United States and all products of the United States imported into the Federated States of Micronesia or the Marshall Islands shall receive treatment no less favorable than that accorded like products of any foreign country with respect to customs duties or charges of a similar nature and with respect to laws and regulations relating to importation, exportation, taxation, sale, distribution, storage, or use.”.

19 USC 1202.

SEC. 402. CONSTRUCTION OF SECTION 253 OF THE COMPACT.

48 USC 1681

(a) Subsection (a) of section 253 of the Compact shall not apply.

note.
Ante, p. 1820.

(b) Subsection (b) of section 253 of the Compact shall apply only to individuals who are nonresidents and not citizens of the United States.

SEC. 403. CONSTRUCTION OF SECTION 254 OF THE COMPACT.

48 USC 1681

The relief from liability referred to in the second sentence of section 254(a) of the Compact means only—

note.

(1) relief in the form of the foreign tax credit (or deduction in lieu thereof) available with respect to the income taxes of a possession of the United States, and

Ante, p. 1821.

(2) relief in the form of the exclusion under section 911 of the Internal Revenue Code of 1954.

26 USC 911.

SEC. 404. CONSTRUCTION OF SECTION 255 OF THE COMPACT.

48 USC 1681

Section 255 of the Compact shall be construed and applied as if it read as follows:

note.
Ante, p. 1821.

“Section 255

“(a) EXTENSION OF SECTION 936 TO THE MARSHALL ISLANDS AND THE FEDERATED STATES OF MICRONESIA.—For purposes of section 936 of the Internal Revenue Code of 1954, the Marshall Islands and the Federated States of Micronesia shall be treated as if they were possessions of the United States.

26 USC 936.

“(b) EXCHANGE OF INFORMATION.—Subsection (a) shall not apply to the Marshall Islands and the Federated States of Micronesia (as the case may be) for any period after December 31, 1986, during which there is not in effect between the appropriate government and the United States an exchange of information agreement of the kind described in section 274(h)(6)(C) (other than clause (ii) thereof) of the Internal Revenue Code of 1954.

26 USC 274.

“(c) PROCEDURE IF SECTION 936 INCENTIVES REDUCED.—If the tax incentives extended to the Marshall Islands and the Federated States of Micronesia under subsection (a) are, at any time during which the Compact is in effect, reduced, the Secretary of the Treasury shall negotiate an agreement with the Marshall Islands and the Federated States of Micronesia under which, when such agreement is approved by law, they will be provided with benefits substantially equivalent to such reduction in benefits. If, within the 1 year period after the date of the enactment of the Act making the reduction in benefits, an agreement negotiated under the preceding sentence is not approved by law, the matter shall be submitted to the Arbitration Board established pursuant to section 424 of the Compact. For purposes of Article V of Title Two of the Compact, the Secretary of the Treasury or his delegate shall be the member of such Board representing the Government of the United States. Any decision of such Board in the matter when approved by law shall be binding on the United States, except that such decision rendered is binding only as to whether the United States has provided the substantially equivalent benefits referred to in this subsection.”.

Taxes.

Ante, p. 1828.

48 USC 1681
note.

**SEC. 405. THE MARSHALL ISLANDS AND THE FEDERATED STATES
MICRONESIA TREATED AS NORTH AMERICAN AREA.**

26 USC 274.

For purposes of section 274(h)(3)(A) of the Internal Revenue Code of 1954, the term "North American Area" shall include the Marshall Islands and the Federated States of Micronesia.

48 USC 1681
note.

SEC. 406. EFFECTIVE DATE.

This title shall apply to income earned, and transactions occurring, after September 30, 1985, in taxable years ending after such date.

48 USC 1681
note.

SEC. 407. STUDY OF TAX PROVISIONS.

The Secretary of the Treasury or his delegate—

(1) shall conduct a study of the effects of the tax provisions of the Compact (as clarified by the foregoing provisions of this title), and

Report.

(2) shall report the results of such study before October 1, 1987, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

48 USC 1681
note.

SEC. 408. COORDINATION WITH OTHER PROVISIONS.

Nothing in any provision of this joint resolution (other than this title) which is inconsistent with any provision of this title shall have any force or effect.

TITLE V—COMPACT OF FREE ASSOCIATION WITH PALAU

48 USC 1681
note.

SEC. 501. APPROVAL IN PRINCIPLE.

(a) Subject to subsection (b) of this section, Congress expresses its approval in principle of the Compact of Free Association Between the Government of the United States of America and the Government of the Republic of Palau, the text of which was printed in the Congressional Record of November 14, 1985 on pages S15628 through S15628, inclusive, and which is also printed as Committee Print No. 4 of the Committee on Interior and Insular Affairs of the House of Representatives of the 99th Congress.

(b) A Compact with Palau after it is transmitted to Congress shall take effect only upon—

President of U.S.

(1) a certification by the President to the Congress that the Republic of Palau has approved a Compact in accordance with section 411 of the Compact described in subsection (a) and that the President has determined that the United States will be able to carry out fully its rights and responsibilities under Title Three of the Compact described in subsection (a) and its subsidiary agreements thereto; and

Ante, p. 1827.

(2) enactment by the Congress of a joint resolution approving a compact and providing for its implementation.

48 USC 1681
note.

SEC. 502. MODIFICATIONS OF COMPACT.

Ante, pp. 1791,
1835.

Title IV and Sections 105 (b), 105(c), 105(h)(1), 105(l), and 205 of this joint resolution shall apply to a compact with Palau, except that any reference in such sections to the Compact shall be treated as referring to the Compact described in section 501 of this joint

resolution, and any reference in such Title and sections to the Federated States of Micronesia or the Marshall Islands shall be treated as referring to the Republic of Palau. For purposes of applying section 242(2) of the Compact, the annual 10 percent limitation on duty-free imports of canned tuna applies to imports from the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau.

Ante, p. 1840.

Ante, p. 1820.

Approved January 14, 1986.

LEGISLATIVE HISTORY—H.J. Res. 187 (S.J. Res. 77):

HOUSE REPORTS: No. 99-188, Pt. I (Comm. on Foreign Affairs), Pt. II (Comm. on Interior and Insular Affairs), Pt. III (Comm. on Merchant Marine and Fisheries), and Pt. IV (Comm. on Ways and Means).

SENATE REPORT No. 99-16 accompanying S.J. Res. 77 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 131 (1985):

July 25, considered and passed House.

Oct. 2, Nov. 14, S.J. Res. 77 considered in Senate.

Nov. 14, H.J. Res. 187 considered and passed Senate, amended, in lieu of S.J. Res. 77.

Dec. 11, House agreed to Senate amendments with amendment.

Dec. 13, Senate concurred in House amendment.

Public Law 99-240
99th Congress

An Act

Jan. 15, 1986

[H.R. 1083]

To amend the Low-Level Radioactive Waste Policy Act to improve procedures for the implementation of compacts providing for the establishment and operation of regional disposal facilities for low-level radioactive waste; to grant the consent of the Congress to certain interstate compacts on low-level radioactive waste; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

State and local
governments.

Low-Level
Radioactive
Waste Policy
Amendments
Act of 1985.
42 USC 2021b
note.

TITLE I—LOW-LEVEL RADIOACTIVE WASTE POLICY
AMENDMENTS ACT OF 1985

SEC. 101. SHORT TITLE.

This Title may be cited as the “Low-Level Radioactive Waste Policy Amendments Act of 1985”.

SEC. 102. AMENDMENT TO THE LOW-LEVEL RADIOACTIVE WASTE POLICY ACT.

42 USC
2021b–2021d,
2021b note.

The Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b and seq.) is amended by striking out sections 1, 2, 3, and 4 and inserting in lieu thereof the following:

42 USC 2021b
note.

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Low-Level Radioactive Waste Policy Act’.

42 USC 2021b.

“SEC. 2. DEFINITIONS.

“For purposes of this Act:

“(1) AGREEMENT STATE.—The term ‘agreement State’ means a State that—

“(A) has entered into an agreement with the Nuclear Regulatory Commission under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021); and

“(B) has authority to regulate the disposal of low-level radioactive waste under such agreement.

“(2) ALLOCATION.—The term ‘allocation’ means the assignment of a specific amount of low-level radioactive waste disposal capacity to a commercial nuclear power reactor for which access is required to be provided by sited States subject to the conditions specified under this Act.

“(3) COMMERCIAL NUCLEAR POWER REACTOR.—The term ‘commercial nuclear power reactor’ means any unit of a civil light-water moderated utilization facility required to be licensed under section 103 or 104b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133 or 2134(b)).

“(4) COMPACT.—The term ‘compact’ means a compact entered into by two or more States pursuant to this Act.

"(5) **COMPACT COMMISSION.**—The term 'compact commission' means the regional commission, committee, or board established in a compact to administer such compact.

"(6) **COMPACT REGION.**—The term 'compact region' means the area consisting of all States that are members of a compact.

"(7) **DISPOSAL.**—The term 'disposal' means the permanent isolation of low-level radioactive waste pursuant to the requirements established by the Nuclear Regulatory Commission under applicable laws, or by an agreement State if such isolation occurs in such agreement State.

"(8) **GENERATE.**—The term 'generate', when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(9) **LOW-LEVEL RADIOACTIVE WASTE.**—The term 'low-level radioactive waste' means radioactive material that—

"(A) is not high-level radioactive waste, spent nuclear fuel, or byproduct material (as defined in section 11e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2))); and

"(B) the Nuclear Regulatory Commission, consistent with existing law and in accordance with paragraph (A), classifies as low-level radioactive waste.

"(10) **NON-SITED COMPACT REGION.**—The term 'non-sited compact region' means any compact region that is not a sited compact region.

"(11) **REGIONAL DISPOSAL FACILITY.**—The term 'regional disposal facility' means a non-Federal low-level radioactive waste disposal facility in operation on January 1, 1985, or subsequently established and operated under a compact.

"(12) **SECRETARY.**—The term 'Secretary' means the Secretary of Energy.

"(13) **SITED COMPACT REGION.**—The term 'sited compact region' means a compact region in which there is located one of the regional disposal facilities at Barnwell, in the State of South Carolina; Richland, in the State of Washington; or Beatty, in the State of Nevada.

"(14) **STATE.**—The term 'State' means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

South Carolina.
Washington.
Nevada.

SEC. 3. RESPONSIBILITIES FOR DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE.

42 USC 2021c.

"SECTION 3(a)(1) **STATE RESPONSIBILITIES.**—Each State shall be responsible for providing, either by itself or in cooperation with other States, for the disposal of—

"(A) low-level radioactive waste generated within the State (other than by the Federal Government) that consists of or contains class A, B, or C radioactive waste as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983;

"(B) low-level radioactive waste described in subparagraph (A) that is generated by the Federal Government except such waste that is—

Vessels.

"(i) owned or generated by the Department of Energy;
"(ii) owned or generated by the United States Navy as a result of the decommissioning of vessels of the United States Navy; or

Research and
development.

Post, pp. 1846,
1855.

Vessels.

Research and
development.

Health.
Safety.

42 USC 2011
note.

Report.

“(iii) owned or generated as a result of any research, development, testing, or production of any atomic weapon; and

“(C) low-level radioactive waste described in subparagraphs (A) and (B) that is generated outside of the State and accepted for disposal in accordance with sections 5 or 6.

“(2) No regional disposal facility may be required to accept for disposal any material—

“(A) that is not low-level radioactive waste as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983, or

“(B) identified under the Formerly Utilized Sites Remedial Action Program.

Nothing in this paragraph shall be deemed to prohibit a State subject to the provisions of its compact, or a compact region from accepting for disposal any material identified in subparagraph (A) or (B).

“(b)(1) The Federal Government shall be responsible for the disposal of—

“(A) low-level radioactive waste owned or generated by the Department of Energy;

“(B) low-level radioactive waste owned or generated by the United States Navy as a result of the decommissioning of vessels of the United States Navy;

“(C) low-level radioactive waste owned or generated by the Federal Government as a result of any research, development, testing, or production of any atomic weapon; and

“(D) any other low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

“(2) All radioactive waste designated a Federal responsibility pursuant to subparagraph (b)(1)(D) that results from activities licensed by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954, as amended, shall be disposed of in a facility licensed by the Nuclear Regulatory Commission that the Commission determines is adequate to protect the public health and safety.

“(3) Not later than 12 months after the date of enactment of this Act, the Secretary shall submit to the Congress a comprehensive report setting forth the recommendations of the Secretary for ensuring the safe disposal of all radioactive waste designated a Federal responsibility pursuant to subparagraph (b)(1)(D). Such report shall include—

“(A) an identification of the radioactive waste involved including the source of such waste, and the volume, concentration, and other relevant characteristics of such waste;

“(B) an identification of the Federal and non-Federal options for disposal of such radioactive waste;

“(C) a description of the actions proposed to ensure the safe disposal of such radioactive waste;

“(D) a description of the projected costs of undertaking such actions;

“(E) an identification of the options for ensuring that the beneficiaries of the activities resulting in the generation of such radioactive wastes bear all reasonable costs of disposing of such wastes; and

“(F) an identification of any statutory authority required for disposal of such waste.

“(4) The Secretary may not dispose of any radioactive waste designated a Federal responsibility pursuant to paragraph (b)(1)(D) that becomes a Federal responsibility for the first time pursuant to such paragraph until ninety days after the report prepared pursuant to paragraph (3) has been submitted to the Congress.

Prohibition.
Report.

SEC. 4. REGIONAL COMPACTS FOR DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE.

42 USC 2021d.

“(a) IN GENERAL.—

“(1) **FEDERAL POLICY.**—It is the policy of the Federal Government that the responsibilities of the States under section 3 for the disposal of low-level radioactive waste can be most safely and effectively managed on a regional basis.

Ante, p. 1843.

“(2) **INTERSTATE COMPACTS.**—To carry out the policy set forth in paragraph (1), the States may enter into such compacts as may be necessary to provide for the establishment and operation of regional disposal facilities for low-level radioactive waste.

“(b) APPLICABILITY TO FEDERAL ACTIVITIES.—

“(1) IN GENERAL.—

“(A) **ACTIVITIES OF THE SECRETARY.**—Except as provided in subparagraph (B), no compact or action taken under a compact shall be applicable to the transportation, management, or disposal of any low-level radioactive waste designated in section 3(a)(1)(B) (i)–(iii).

Prohibition.

“(B) **FEDERAL LOW-LEVEL RADIOACTIVE WASTE DISPOSED OF AT NON-FEDERAL FACILITIES.**—Low-level radioactive waste owned or generated by the Federal Government that is disposed of at a regional disposal facility or non-Federal disposal facility within a State that is not a member of a compact shall be subject to the same conditions, regulations, requirements, fees, taxes, and surcharges imposed by the compact commission, and by the State in which such facility is located, in the same manner and to the same extent as any low-level radioactive waste not generated by the Federal Government.

“(2) **FEDERAL LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITIES.**—Any low-level radioactive waste disposal facility established or operated exclusively for the disposal of low-level radioactive waste owned or generated by the Federal Government shall not be subject to any compact or any action taken under a compact.

Prohibition.

“(3) **EFFECT OF COMPACTS ON FEDERAL LAW.**—Nothing contained in this Act or any compact may be construed to confer any new authority on any compact commission or State—

Prohibition.

“(A) to regulate the packaging, generation, treatment, storage, disposal, or transportation of low-level radioactive waste in a manner incompatible with the regulations of the Nuclear Regulatory Commission or inconsistent with the regulations of the Department of Transportation;

Transportation.
Regulations.

“(B) to regulate health, safety, or environmental hazards from source material, byproduct material, or special nuclear material;

Health.
Safety.
Pollution.

“(C) to inspect the facilities of licensees of the Nuclear Regulatory Commission;

Government organization and employees.

“(D) to inspect security areas or operations at the site of the generation of any low-level radioactive waste by the Federal Government, or to inspect classified information related to such areas or operations; or

28 USC 2671 *et seq.*

“(E) to require indemnification pursuant to the provisions of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act), or section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly referred to as the Price-Anderson Act), whichever is applicable.

Prohibition.

“(4) **FEDERAL AUTHORITY.**—Except as expressly provided in this Act, nothing contained in this Act or any compact may be construed to limit the applicability of any Federal law or to diminish or otherwise impair the jurisdiction of any Federal agency, or to alter, amend, or otherwise affect any Federal law governing the judicial review of any action taken pursuant to any compact.

Prohibition.

“(5) **STATE AUTHORITY PRESERVED.**—Except as expressly provided in this Act, nothing contained in this Act expands, diminishes, or otherwise affects State law.

Prohibition.

“(c) **RESTRICTED USE OF REGIONAL DISPOSAL FACILITIES.**—Any authority in a compact to restrict the use of the regional disposal facilities under the compact to the disposal of low-level radioactive waste generated within the compact region shall not take effect before each of the following occurs:

“(1) January 1, 1986; and

“(2) the Congress by law consents to the compact.

“(d) **CONGRESSIONAL REVIEW.**—Each compact shall provide that every 5 years after the compact has taken effect the Congress may by law withdraw its consent.

42 USC 2021e.

“SEC. 5. **LIMITED AVAILABILITY OF CERTAIN REGIONAL DISPOSAL FACILITIES DURING TRANSITION AND LICENSING PERIODS.**

“(a) **AVAILABILITY OF DISPOSAL CAPACITY.**—

“(1) **PRESSURIZED-WATER AND BOILING WATER REACTORS.**—During the seven-year period beginning January 1, 1986 and ending December 31, 1992, subject to the provisions of subsections (b) through (g), each State in which there is located a regional disposal facility referred to in paragraphs (1) through (3) of subsection (b) shall make disposal capacity available for low-level radioactive waste generated by pressurized water and boiling water commercial nuclear power reactors in accordance with the allocations established in subsection (c).

“(2) **OTHER SOURCES OF LOW-LEVEL RADIOACTIVE WASTE.**—During the seven-year period beginning January 1, 1986 and ending December 31, 1992, subject to the provisions of subsections (b) through (g), each State in which there is located a regional disposal facility referred to in paragraphs (1) through (3) of subsection (b) shall make disposal capacity available for low-level radioactive waste generated by any source not referred to in paragraph (1).

“(3) **ALLOCATION OF DISPOSAL CAPACITY.**—

“(A) During the seven-year period beginning January 1, 1986 and ending December 31, 1992, low-level radioactive waste generated within a sited compact region shall be accorded priority under this section in the allocation of available disposal capacity at a regional disposal facility

referred to in paragraphs (1) through (3) of subsection (b) and located in the sited compact region in which such waste is generated.

“(B) Any State in which a regional disposal facility referred to in paragraphs (1) through (3) of subsection (b) is located may, subject to the provisions of its compact, prohibit the disposal at such facility of low-level radioactive waste generated outside of the compact region if the disposal of such waste in any given calendar year, together with all other low-level radioactive waste disposed of at such facility within that same calendar year, would result in that facility disposing of a total annual volume of low-level radioactive waste in excess of 100 per centum of the average annual volume for such facility designated in subsection (b): *Provided, however,* That in the event that all three States in which regional disposal facilities referred to in paragraphs (1) through (3) of subsection (b) act to prohibit the disposal of low-level radioactive waste pursuant to this subparagraph, each such State shall, in accordance with any applicable procedures of its compact, permit, as necessary, the disposal of additional quantities of such waste in increments of 10 per centum of the average annual volume for each such facility designated in subsection (b).

“(C) Nothing in this paragraph shall require any disposal facility or State referred to in paragraphs (1) through (3) of subsection (b) to accept for disposal low-level radioactive waste in excess of the total amounts designated in subsection (b).

Prohibition.

“(4) CESSATION OF OPERATION OF LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY.—No provision of this section shall be construed to obligate any State referred to in paragraphs (1) through (3) of subsection (b) to accept low-level radioactive waste from any source in the event that the regional disposal facility located in such State ceases operations.

Prohibition.

“(b) LIMITATIONS.—The availability of disposal capacity for low-level radioactive waste from any source shall be subject to the following limitations:

“(1) BARNWELL, SOUTH CAROLINA.—The State of South Carolina, in accordance with the provisions of its compact, may limit the volume of low-level radioactive waste accepted for disposal at the regional disposal facility located at Barnwell, South Carolina to a total of 8,400,000 cubic feet of low-level radioactive waste during the 7-year period beginning January 1, 1986, and ending December 31, 1992 (as based on an average annual volume of 1,200,000 cubic feet of low-level radioactive waste).

“(2) RICHLAND, WASHINGTON.—The State of Washington, in accordance with the provisions of its compact, may limit the volume of low-level radioactive waste accepted for disposal at the regional disposal facility located at Richland, Washington to a total of 9,800,000 cubic feet of low-level radioactive waste during the 7-year period beginning January 1, 1986, and ending December 31, 1992 (as based on an average annual volume of 1,400,000 cubic feet of low-level radioactive waste).

“(3) BEATTY, NEVADA.—The State of Nevada, in accordance with the provisions of its compact, may limit the volume of low-level radioactive waste accepted for disposal at the regional disposal facility located at Beatty, Nevada to a total of 1,400,000

cubic feet of low-level radioactive waste during the 7-year period beginning January 1, 1986, and ending December 31, 1992 (as based on an average annual volume of 200,000 cubic feet of low-level radioactive waste).

“(c) **COMMERCIAL NUCLEAR POWER REACTOR ALLOCATIONS.**—

“(1) **AMOUNT.**—Subject to the provisions of subsections (a) through (g) each commercial nuclear power reactor shall upon request receive an allocation of low-level radioactive waste disposal capacity (in cubic feet) at the facilities referred to in subsection (b) during the 4-year transition period beginning January 1, 1986, and ending December 31, 1989, and during the 3-year licensing period beginning January 1, 1990, and ending December 31, 1992, in an amount calculated by multiplying the appropriate number from the following table by the number of months remaining in the applicable period as determined under paragraph (2).

“Reactor Type	4-year Transition Period		3-year Licensing Period	
	In Sited Region	All Other Locations	In Sited Region	All Other Locations
PWR	1027	871	934	685
BWR	2300	1951	2091	1533

“(2) **METHOD OF CALCULATION.**—For purposes of calculating the aggregate amount of disposal capacity available to a commercial nuclear power reactor under this subsection, the number of months shall be computed beginning with the first month of the applicable period, or the sixteenth month after receipt of a full power operating license, whichever occurs later.

“(3) **UNUSED ALLOCATIONS.**—Any unused allocation under paragraph (1) received by a reactor during the transition period or the licensing period may be used at any time after such reactor receives its full power license or after the beginning of the pertinent period, whichever is later, but not in any event after December 31, 1992, or after commencement of operation of a regional disposal facility in the compact region or State in which such reactor is located, whichever occurs first.

“(4) **TRANSFERABILITY.**—Any commercial nuclear power reactor in a State or compact region that is in compliance with the requirements of subsection (e) may assign any disposal capacity allocated to it under this subsection to any other person in each State or compact region. Such assignment may be for valuable consideration and shall be in writing, copies of which shall be filed at the affected compact commissions and States, along with the assignor’s unconditional written waiver of the disposal capacity being assigned.

“(5) **UNUSUAL VOLUMES.**—

“(A) The Secretary may, upon petition by the owner or operator of any commercial nuclear power reactor, allocate to such reactor disposal capacity in excess of the amount calculated under paragraph (1) if the Secretary finds and states in writing his reasons for so finding that making additional capacity available for such reactor through this

paragraph is required to permit unusual or unexpected operating, maintenance, repair or safety activities.

“(B) The Secretary may not make allocations pursuant to subparagraph (A) that would result in the acceptance for disposal of more than 800,000 cubic feet of low-level radioactive waste or would result in the total of the allocations made pursuant to this subsection exceeding 11,900,000 cubic feet over the entire seven-year interim access period.

Prohibition.

“(6) LIMITATION.—During the seven-year interim access period referred to in subsection (a), the disposal facilities referred to in subsection (b) shall not be required to accept more than 11,900,000 cubic feet of low-level radioactive waste generated by commercial nuclear power reactors.

Prohibition.

“(d)(1) SURCHARGES.—The disposal of any low-level radioactive waste under this section (other than low-level radioactive waste generated in a sited compact region) may be charged a surcharge by the State in which the applicable regional disposal facility is located, in addition to the fees and surcharges generally applicable for disposal of low-level radioactive waste in the regional disposal facility involved. Except as provided in subsection (e)(2), such surcharges shall not exceed—

Prohibition.

“(A) in 1986 and 1987, \$10 per cubic foot of low-level radioactive waste;

“(B) in 1988 and 1989, \$20 per cubic foot of low-level radioactive waste; and

“(C) in 1990, 1991, and 1992, \$40 per cubic foot of low-level radioactive waste.

“(2) MILESTONE INCENTIVES.—

“(A) ESCROW ACCOUNT.—Twenty-five per centum of all surcharge fees received by a State pursuant to paragraph (1) during the seven-year period referred to in subsection (a) shall be transferred on a monthly basis to an escrow account held by the Secretary. The Secretary shall deposit all funds received in a special escrow account. The funds so deposited shall not be the property of the United States. The Secretary shall act as trustee for such funds and shall invest them in interest-bearing United States Government Securities with the highest available yield. Such funds shall be held by the Secretary until—

“(i) paid or repaid in accordance with subparagraph (B) or (C); or

“(ii) paid to the State collecting such fees in accordance with subparagraph (F).

“(B) PAYMENTS.—

“(i) JULY 1, 1986.—The twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning on the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985 and ending June 30, 1986, and transferred to the Secretary under subparagraph (A), shall be paid by the Secretary in accordance with subparagraph (D) if the milestone described in subsection (e)(1)(A) is met by the State in which such waste originated.

Ante, p. 1842.

“(ii) JANUARY 1, 1988.—The twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning July 1, 1986 and ending Decem-

ber 31, 1987, and transferred to the Secretary under subparagraph (A), shall be paid by the Secretary in accordance with subparagraph (D) if the milestone described in subsection (e)(1)(B) is met by the State in which such waste originated (or its compact region, where applicable).

“(iii) JANUARY 1, 1990.—The twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning January 1, 1988 and ending December 31, 1989, and transferred to the Secretary under subparagraph (A), shall be paid by the Secretary in accordance with subparagraph (D) if the milestone described in subsection (e)(1)(C) is met by the State in which such waste originated (or its compact region, where applicable).

“(iv) The twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning January 1, 1990 and ending December 31, 1993, and transferred to the Secretary under subparagraph (A), shall be paid by the Secretary in accordance with subparagraph (D) if, by January 1, 1993, the State in which such waste originated (or its compact region, where applicable) is unable to provide for the disposal of all low-level radioactive waste generated within such State or compact region.

“(C) FAILURE TO MEET JANUARY 1, 1993 DEADLINE.—If, on January 1, 1993, a State (or, where applicable, a compact region) in which low-level radioactive waste is generated is unable to provide for the disposal of all such waste generated within such State or compact region—

“(i) each State in which such waste is generated, upon the request of the generator or owner of the waste, shall take title to the waste, shall be obligated to take possession of the waste, and shall be liable for all damages directly or indirectly incurred by such generator or owner as a consequence of the failure of the State to take possession of the waste as soon after January 1, 1993 as the generator or owner notifies the State that the waste is available for shipment; or

“(ii) if such State elects not to take title to, take possession of, and assume liability for such waste, pursuant to clause (i), twenty-five per centum of any amount collected by a State under paragraph (1) for low-level radioactive waste disposed of under this section during the period beginning January 1, 1990 and ending December 31, 1993, shall be repaid, with interest, to each generator from whom such surcharge was collected. Repayments made pursuant to this clause shall be made on a monthly basis, with the first such repayment beginning on February 1, 1993, in an amount equal to one thirty-sixth of the total amount required to be repaid pursuant to this clause, and shall continue until the State (or, where applicable, compact region) in which such low-level radioactive waste is generated is able to provide for the disposal of all such waste generated within such State or compact region or until January 1, 1996, whichever is earlier.

If a State in which low-level radioactive waste is generated elects to take title to, take possession of, and assume liability

such waste pursuant to clause (i), such State shall be paid such amounts as are designated in subparagraph (B)(iv). If a State (or, where applicable, a compact region) in which low-level radioactive waste is generated provides for the disposal of such waste at any time after January 1, 1993 and prior to January 1, 1996, such State (or, where applicable, compact region) shall be paid in accordance with subparagraph (D) a lump sum amount equal to twenty-five per centum of any amount collected by a State under paragraph (1): *Provided, however,* That such payment shall be adjusted to reflect the remaining number of months between January 1, 1993 and January 1, 1996 for which such State (or, where applicable, compact region) provides for the disposal of such waste. If a State (or, where applicable, a compact region) in which low-level radioactive waste is generated is unable to provide for the disposal of all such waste generated within such State or compact region by January 1, 1996, each State in which such waste is generated, upon the request of the generator or owner of the waste, shall take title to the waste, be obligated to take possession of the waste, and shall be liable for all damages directly or indirectly incurred by such generator or owner as a consequence of the failure of the State to take possession of the waste as soon after January 1, 1996, as the generator or owner notifies the State that the waste is available for shipment.

“(D) RECIPIENTS OF PAYMENTS.—The payments described in subparagraphs (B) and (C) shall be paid within thirty days after the applicable date—

“(i) if the State in which such waste originated is not a member of a compact region, to such State;

“(ii) if the State in which such waste originated is a member of the compact region, to the compact commission serving such State.

“(E) USES OF PAYMENTS.—

“(i) LIMITATIONS.—Any amount paid under subparagraphs (B) or (C) may only be used to—

“(I) establish low-level radioactive waste disposal facilities;

“(II) mitigate the impact of low-level radioactive waste disposal facilities on the host State;

“(III) regulate low-level radioactive waste disposal facilities; or

“(IV) ensure the decommissioning, closure, and care during the period of institutional control of low-level radioactive waste disposal facilities.

“(ii) REPORTS.—

“(I) RECIPIENT.—Any State or compact commission receiving a payment under subparagraphs (B) or (C) shall, on December 31 of each year in which any such funds are expended, submit a report to the Department of Energy itemizing any such expenditures.

“(II) DEPARTMENT OF ENERGY.—Not later than six months after receiving the reports under subclause (I), the Secretary shall submit to the Congress a summary of all such reports that shall include an assessment of the compliance of each such State or compact commission with the requirements of clause (i).

Reports.

“(F) **PAYMENT TO STATES.**—Any amount collected by a State under paragraph (1) that is placed in escrow under subparagraph (A) and not paid to a State or compact commission under subparagraphs (B) and (C) or not repaid to a generator under subparagraph (C) shall be paid from such escrow account to such State collecting such payment under paragraph (1). Such payment shall be made not later than 30 days after a determination of ineligibility for a refund is made.

Prohibition.

“(G) **PENALTY SURCHARGES.**—No rebate shall be made under this subsection of any surcharge or penalty surcharge paid during a period of noncompliance with subsection (e)(1).

“(e) **REQUIREMENTS FOR ACCESS TO REGIONAL DISPOSAL FACILITIES.**—

“(1) **REQUIREMENTS FOR NON-SITED COMPACT REGIONS AND NON-MEMBER STATES.**—Each non-sited compact region, or State that is not a member of a compact region that does not have an operating disposal facility, shall comply with the following requirements:

“(A) By July 1, 1986, each such non-member State shall ratify compact legislation or, by the enactment of legislation or the certification of the Governor, indicate its intent to develop a site for the location of a low-level radioactive waste disposal facility within such State.

“(B) By JANUARY 1, 1988.—

“(i) each non-sited compact region shall identify the State in which its low-level radioactive waste disposal facility is to be located, or shall have selected the developer for such facility and the site to be developed, and each compact region or the State in which its low-level radioactive waste disposal facility is to be located shall develop a siting plan for such facility providing detailed procedures and a schedule for establishing a facility location and preparing a facility license application and shall delegate authority to implement such plan;

“(ii) each non-member State shall develop a siting plan providing detailed procedures and a schedule for establishing a facility location and preparing a facility license application for a low-level radioactive waste disposal facility and shall delegate authority to implement such plan; and

“(iii) The siting plan required pursuant to this paragraph shall include a description of the optimum way to attain operation of the low-level radioactive waste disposal facility involved, within the time period specified in this Act. Such plan shall include a description of the objectives and a sequence of deadlines for all entities required to take action to implement such plan, including, to the extent practicable, an identification of the activities in which a delay in the start, or completion, of such activities will cause a delay in beginning facility operation. Such plan shall also identify, to the extent practicable, the process for (1) screening for broad siting areas; (2) identifying and evaluating specific candidate sites; and (3) characterizing the preferred site(s), completing all necessary environmental assessments, and preparing a license application for

submission to the Nuclear Regulatory Commission or an Agreement State.

“(C) By JANUARY 1, 1990.—

“(i) a complete application (as determined by the Nuclear Regulatory Commission or the appropriate agency of an agreement State) shall be filed for a license to operate a low-level radioactive waste disposal facility within each non-sited compact region or within each non-member State; or

“(ii) the Governor (or, for any State without a Governor, the chief executive officer) of any State that is not a member of a compact region in compliance with clause (i), or has not complied with such clause by its own actions, shall provide a written certification to the Nuclear Regulatory Commission, that such State will be capable of providing for, and will provide for, the storage, disposal, or management of any low-level radioactive waste generated within such State and requiring disposal after December 31, 1992, and include a description of the actions that will be taken to ensure that such capacity exists.

“(D) By January 1, 1992, a complete application (as determined by the Nuclear Regulatory Commission or the appropriate agency of an agreement State) shall be filed for a license to operate a low-level radioactive waste disposal facility within each non-sited compact region or within each non-member State.

“(E) The Nuclear Regulatory Commission shall transmit any certification received under subparagraph (C) to the Congress and publish any such certification in the Federal Register.

Federal Register,
publication.

“(F) Any State may, subject to all applicable provisions, if any, of any applicable compact, enter into an agreement with the compact commission of a region in which a regional disposal facility is located to provide for the disposal of all low-level radioactive waste generated within such State, and, by virtue of such agreement, may, with the approval of the State in which the regional disposal facility is located, be deemed to be in compliance with subparagraphs (A), (B), (C), and (D).

Contracts.

“(2) PENALTIES FOR FAILURE TO COMPLY.—

“(A) By JULY 1, 1986.—If any State fails to comply with subparagraph (1)(A)—

“(i) any generator of low-level radioactive waste within such region or non-member State shall, for the period beginning July 1, 1986, and ending December 31, 1986, be charged 2 times the surcharge otherwise applicable under subsection (d); and

“(ii) on or after January 1, 1987, any low-level radioactive waste generated within such region or non-member State may be denied access to the regional disposal facilities referred to in paragraphs (1) through (3) of subsection (b).

“(B) By JANUARY 1, 1988.—If any non-sited compact region or non-member State fails to comply with paragraph (1)(B)—

“(i) any generator of low-level radioactive waste within such region or non-member State shall—

“(I) for the period beginning January 1, 1988, and ending June 30, 1988, be charged 2 times the surcharge otherwise applicable under subsection (d); and

“(II) for the period beginning July 1, 1988, and ending December 31, 1988, be charged 4 times the surcharge otherwise applicable under subsection (d); and

“(ii) on or after January 1, 1989, any low-level radioactive waste generated within such region or non-member State may be denied access to the regional disposal facilities referred to in paragraphs (1) through (3) of subsection (b).

“(C) BY JANUARY 1, 1990.—If any non-sited compact region or non-member State fails to comply with paragraph (1)(C), any low-level radioactive waste generated within such region or non-member State may be denied access to the regional disposal facilities referred to in paragraphs (1) through (3) of subsection (b).

“(D) BY JANUARY 1, 1992.—If any non-sited compact region or non-member State fails to comply with paragraph (1)(D), any generator of low-level radioactive waste within such region or non-member State shall, for the period beginning January 1, 1992 and ending upon the filing of the application described in paragraph (1)(D), be charged 3 times the surcharge otherwise applicable under subsection (d).

Prohibition.

“(3) DENIAL OF ACCESS.—No denial or suspension of access to a regional disposal facility under paragraph (2) may be based on the source, class, or type of low-level radioactive waste.

Termination.

“(4) RESTORATION OF SUSPENDED ACCESS; PENALTIES FOR FAILURE TO COMPLY.—Any access to a regional disposal facility that is suspended under paragraph (2) shall be restored after the non-sited compact region or non-member State involved complies with such requirement. Any payment of surcharge penalties pursuant to paragraph (2) for failure to comply with the requirements of subsection (e) shall be terminated after the non-sited compact region or non-member State involved complies with such requirements.

“(f)(1) ADMINISTRATION.—Each State and compact commission in which a regional disposal facility referred to in paragraphs (1) through (3) of subsection (b) is located shall have authority—

“(A) to monitor compliance with the limitations, allocations and requirements established in this section; and

“(B) to deny access to any non-Federal low-level radioactive waste disposal facilities within its borders to any low-level radioactive waste that—

“(i) is in excess of the limitations or allocations established in this section; or

“(ii) is not required to be accepted due to the failure of a compact region or State to comply with the requirements of subsection (e)(1).

“(2) AVAILABILITY OF INFORMATION DURING INTERIM ACCESS PERIOD.—

“(A) The States of South Carolina, Washington, and Nevada may require information from disposal facility operators, generators, intermediate handlers, and the Department of Energy that is reasonably necessary to monitor the availability of disposal capacity, the use and assignment of allocations and the applicability of surcharges.

South Carolina.
Washington.
Nevada.

“(B) The States of South Carolina, Washington, and Nevada may, after written notice followed by a period of at least 30 days, deny access to disposal capacity to any generator or intermediate handler who fails to provide information under subparagraph (A).

South Carolina.
Washington.
Nevada.

“(C) PROPRIETARY INFORMATION.—

“(i) Trade secrets, proprietary and other confidential information shall be made available to a State under this subsection upon request only if such State—

“(I) consents in writing to restrict the dissemination of the information to those who are directly involved in monitoring under subparagraph (A) and who have a need to know;

“(II) accepts liability for wrongful disclosure; and

“(III) demonstrates that such information is essential to such monitoring.

“(ii) The United States shall not be liable for the wrongful disclosure by any individual or State of any information provided to such individual or State under this subsection.

“(iii) Whenever any individual or State has obtained possession of information under this subsection, the individual shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States or of any department or agency thereof and the State shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to the United States or any department or agency thereof. No State or State officer or employee who receives trade secrets, proprietary information, or other confidential information under this Act may be required to disclose such information under State law.

Prohibition.
Government
organization and
employees.
Commerce and
trade.

“(g) NONDISCRIMINATION.—Except as provided in subsections (b) through (e), low-level radioactive waste disposed of under this section shall be subject without discrimination to all applicable legal requirements of the compact region and State in which the disposal facility is located as if such low-level radioactive waste were generated within such compact region.

“SEC. 6. EMERGENCY ACCESS.

42 USC 2021f.

“(a) IN GENERAL.—The Nuclear Regulatory Commission may grant emergency access to any regional disposal facility or non-Federal disposal facility within a State that is not a member of a compact for specific low-level radioactive waste, if necessary to eliminate an immediate and serious threat to the public health and safety or the common defense and security. The procedure for granting emergency access shall be as provided in this section.

Health.
Safety.
Defense and
national
security.

“(b) REQUEST FOR EMERGENCY ACCESS.—Any generator of low-level radioactive waste, or any Governor (or, for any State without a Governor, the chief executive officer of the State) on behalf of any generator or generators located in his or her State, may request that

the Nuclear Regulatory Commission grant emergency access to a regional disposal facility or a non-Federal disposal facility within the State that is not a member of a compact for specific low-level radioactive waste. Any such request shall contain any information and certifications the Nuclear Regulatory Commission may require.

“(c) DETERMINATION OF NUCLEAR REGULATORY COMMISSION.—

“(1) REQUIRED DETERMINATION.—Not later than 45 days after receiving a request under subsection (b), the Nuclear Regulatory Commission shall determine whether—

“(A) emergency access is necessary because of an immediate and serious threat to the public health and safety or the common defense and security; and

“(B) the threat cannot be mitigated by any alternative consistent with the public health and safety, including storage of low-level radioactive waste at the site of generation or in a storage facility obtaining access to a disposal facility by voluntary agreement, purchasing disposal capacity available for assignment pursuant to section 5(c) of the Atomic Energy Act of 1954, or ceasing activities that generate low-level radioactive waste.”

“(2) REQUIRED NOTIFICATION.—If the Nuclear Regulatory Commission makes the determinations required in paragraph (1) in the affirmative, it shall designate an appropriate non-Federal disposal facility or facilities, and notify the Governor (or chief executive officer) of the State in which such facility is located and the appropriate compact commission that emergency access is required. Such notification shall specifically describe the low-level radioactive waste as to source, physical and radiological characteristics, and the minimum volume and duration, not exceeding 180 days, necessary to alleviate the immediate threat to public health and safety or the common defense and security. The Nuclear Regulatory Commission shall also notify the Governor (or chief executive officer) of the State in which the low-level radioactive waste requiring emergency access was generated that emergency access has been granted and that, pursuant to subsection (e), no extension of emergency access may be granted absent diligent State action during the period of the initial grant.

“(d) TEMPORARY EMERGENCY ACCESS.—Upon determining that emergency access is necessary because of an immediate and serious threat to the public health and safety or the common defense and security, the Nuclear Regulatory Commission may at its discretion grant temporary emergency access, pending its determination whether the threat could be mitigated by any alternative consistent with the public health and safety. In granting access under this subsection, the Nuclear Regulatory Commission shall provide the same notification and information required under subsection (c). Absent a determination that no alternative consistent with public health and safety would mitigate the threat, access granted under this subsection shall expire 45 days after the granting of temporary emergency access under this subsection.

“(e) EXTENSION OF EMERGENCY ACCESS.—The Nuclear Regulatory Commission may grant one extension of emergency access beyond the period provided in subsection (c), if it determines that emergency access continues to be necessary because of an immediate and serious threat to the public health and safety or the common defense and security that cannot be mitigated by any alternative consistent with the public health and safety, and that the generator of low-

Health.
Safety.
Defense and
national
security.

Ante, p. 1846.

Prohibition.

Health.
Safety.
Defense and
national
security.

Health.
Safety.
Defense and
national
security.

level radioactive waste granted emergency access and the State in which such low-level radioactive waste was generated have diligently though unsuccessfully acted during the period of the initial grant to eliminate the need for emergency access. Any extension granted under this subsection shall be for the minimum volume and duration the Nuclear Regulatory Commission finds necessary to eliminate the immediate threat to public health and safety or the common defense and security, and shall not in any event exceed 180 days.

“(f) **RECIPROCAL ACCESS.**—Any compact region or State not a member of a compact that provides emergency access to non-Federal disposal facilities within its borders shall be entitled to reciprocal access to any subsequently operating non-Federal disposal facility that serves the State or compact region in which low-level radioactive waste granted emergency access was generated. The compact commission or State having authority to approve importation of low-level radioactive waste to the disposal facility to which emergency access was granted shall designate for reciprocal access an equal volume of low-level radioactive waste having similar characteristics to that provided emergency access.

“(g) **APPROVAL BY COMPACT COMMISSION.**—Any grant of access under this section shall be submitted to the compact commission for the region in which the designated disposal facility is located for such approval as may be required under the terms of its compact. Any such compact commission shall act to approve emergency access not later than 15 days after receiving notification from the Nuclear Regulatory Commission, or reciprocal access not later than 15 days after receiving notification from the appropriate authority under subsection (f).

“(h) **LIMITATIONS.**—No State shall be required to provide emergency or reciprocal access to any regional disposal facility within its borders for low-level radioactive waste not meeting criteria established by the license or license agreement of such facility, or in excess of the approved capacity of such facility, or to delay the closing of any such facility pursuant to plans established before receiving a request for emergency or reciprocal access. No State shall, during any 12-month period, be required to provide emergency or reciprocal access to any regional disposal facility within its borders for more than 20 percent of the total volume of low-level radioactive waste accepted for disposal at such facility during the previous calendar year.

Prohibitions.

“(i) **VOLUME REDUCTION AND SURCHARGES.**—Any low-level radioactive waste delivered for disposal under this section shall be reduced in volume to the maximum extent practicable and shall be subject to surcharges established in this Act.

“(j) **DEDUCTION FROM ALLOCATION.**—Any volume of low-level radioactive waste granted emergency or reciprocal access under this section, if generated by any commercial nuclear power reactor, shall be deducted from the low-level radioactive waste volume allocable under section 5(c).

Ante, p. 1846.

“(k) **AGREEMENT STATES.**—Any agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021) shall not be applicable to the determinations of the Nuclear Regulatory Commission under this section.

Prohibition.

42 USC 2021g.

"SEC. 7. RESPONSIBILITIES OF THE DEPARTMENT OF ENERGY.

"(a) FINANCIAL AND TECHNICAL ASSISTANCE.—The Secretary shall to the extent provided in appropriations Act, provide to those compact regions, host States, and nonmember States determined by the Secretary to require assistance for purposes of carrying out this Act—

Science and
technology.
Transportation.
Health.
Safety.

"(1) continuing technical assistance to assist them in fulfilling their responsibilities under this Act. Such technical assistance shall include, but not be limited to, technical guidelines for site selection, alternative technologies for low-level radioactive waste disposal, volume reduction options, management techniques to reduce low-level waste generation, transportation practices for shipment of low-level wastes, health and safety considerations in the storage, shipment and disposal of low-level radioactive wastes, and establishment of a computerized database to monitor the management of low-level radioactive wastes; and

"(2) through the end of fiscal year 1993, financial assistance to assist them in fulfilling their responsibilities under this Act.

Science and
technology.
Transportation.

"(b) REPORTS.—The Secretary shall prepare and submit to the Congress on an annual basis a report which (1) summarizes the progress of low-level waste disposal siting and licensing activities within each compact region, (2) reviews the available volume reduction technologies, their applications, effectiveness, and costs on a per unit volume basis, (3) reviews interim storage facility requirements, costs, and usage, (4) summarizes transportation requirements for such wastes on an inter- and intra-regional basis, (5) summarizes the data on the total amount of low-level waste shipped for disposal on a yearly basis, the proportion of such wastes subjected to volume reduction, the average volume reduction attained, and the proportion of wastes stored on an interim basis, and (6) projects the interim storage and final disposal volume requirements anticipated for the following year, on a regional basis.

42 USC 2021h.

"SEC. 8. ALTERNATIVE DISPOSAL METHODS.*Ante*, p. 1842.

"(a) Not later than 12 months after the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985, the Nuclear Regulatory Commission shall, in consultation with the States and other interested persons, identify methods for the disposal of low-level radioactive waste other than shallow land burial, and establish and publish technical guidance regarding licensing of facilities that use such methods.

"(b) Not later than 24 months after the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985, the Commission shall, in consultation with the States and other interested persons, identify and publish all relevant technical information regarding the methods identified pursuant to subsection (a) that a State or compact must provide to the Commission in order to pursue such methods, together with the technical requirements that such facilities must meet, in the judgment of the Commission, if pursued as an alternative to shallow land burial. Such technical information and requirements shall include, but need not be limited to, site suitability, site design, facility operation, disposal site closure, and environmental monitoring, as necessary to meet the performance objectives established by the Commission for a licensed low-level radioactive waste disposal facility. The Commis-

sion shall specify and publish such requirements in a manner and form deemed appropriate by the Commission.

“SEC. 9. LICENSING REVIEW AND APPROVAL.

42 USC 2021i.

“In order to ensure the timely development of new low-level radioactive waste disposal facilities, the Nuclear Regulatory Commission or, as appropriate, agreement States, shall consider an application for a disposal facility license in accordance with the laws applicable to such application, except that the Commission and the agreement state shall—

“(1) not later than 12 months after the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985, establish procedures and develop the technical capability for processing applications for such licenses;

Ante, p. 1842.

“(2) to the extent practicable, complete all activities associated with the review and processing of any application for such a license (except for public hearings) no later than 15 months after the date of receipt of such application; and

“(3) to the extent practicable, consolidate all required technical and environmental reviews and public hearings.

“SEC. 10. RADIOACTIVE WASTE BELOW REGULATORY CONCERN.

42 USC 2021j.

“(a) Not later than 6 months after the date of enactment of the Low-Level Radioactive Waste Policy Amendments Act of 1985, the Commission shall establish standards and procedures, pursuant to existing authority, and develop the technical capability for considering and acting upon petitions to exempt specific radioactive waste streams from regulation by the Commission due to the presence of radionuclides in such waste streams in sufficiently low concentrations or quantities as to be below regulatory concern.

“(b) The standards and procedures established by the Commission pursuant to subsection (a) shall set forth all information required to be submitted to the Commission by licensees in support of such petitions, including, but not limited to—

“(1) a detailed description of the waste materials, including their origin, chemical composition, physical state, volume, and mass; and

“(2) the concentration or contamination levels, half-lives, and identities of the radionuclides present.

Health.
Safety.
Regulation.

Such standards and procedures shall provide that, upon receipt of a petition to exempt a specific radioactive waste stream from regulation by the Commission, the Commission shall determine in an expeditious manner whether the concentration or quantity of radionuclides present in such waste stream requires regulation by the Commission in order to protect the public health and safety. Where the Commission determines that regulation of a radioactive waste stream is not necessary to protect the public health and safety, the Commission shall take such steps as may be necessary, in an expeditious manner, to exempt the disposal of such radioactive waste from regulation by the Commission.”.

**TITLE II—OMNIBUS LOW-LEVEL RADIOACTIVE WASTE
INTERSTATE COMPACT CONSENT ACT**

SEC. 201. SHORT TITLE.

This Title may be cited as the “Omnibus Low-Level Radioactive Waste Interstate Compact Consent Act”.

Omnibus Low-Level
Radioactive
Waste
Interstate
Compact
Consent Act.
42 USC 2021d
note.

Subtitle A—General Provisions

42 USC 2021d
note.

SEC. 211. CONGRESSIONAL FINDING.

Infra.

The Congress hereby finds that each of the compacts set forth in subtitle B is in furtherance of the Low-Level Radioactive Waste Policy Act.

42 USC 2021d
note.

SEC. 212. CONDITIONS OF CONSENT TO COMPACTS.

The consent of the Congress to each of the compacts set forth in subtitle B—

Effective date.

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act, as amended; and

(3) is granted only for so long as the regional committee, or board established in the compact complies with all of the provisions of such Act.

42 USC 2021d
note.

SEC. 213. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to any compact set forth in subtitle B after the expiration of the one-year period following the date of the enactment of this Act, and at such intervals thereafter as may be provided in such compact.

Subtitle B—Congressional Consent to Compacts

42 USC 2021d
note.

SEC. 221. NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT.

Alaska.
Hawaii.
Idaho.
Montana.
Oregon.
Utah.
Washington.
Wyoming.

The consent of Congress is hereby given to the states of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming to enter into the Northwest Interstate Compact on Low-level Radioactive Waste Management, and to each and every part and provision thereof. Such compact reads substantially as follows:

“NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

“ARTICLE I—POLICY AND PURPOSE

Health.
Safety.

“The party states recognize that low-level radioactive wastes are generated by essential activities and services that benefit the citizens of the states. It is further recognized that the protection of the health and safety of the citizens of the party states and the economical management of low-level radioactive wastes can be accomplished through cooperation of the states in minimizing the amount of handling and transportation required to dispose of low-level radioactive wastes and through the cooperation of the states in providing facilities that serve the region. It is the policy of the party states to undertake the necessary cooperation to protect the health and safety of the citizens of the party states and to provide for the economical management of low-level radioactive wastes on a continuing basis. It is the purpose of this compact to provide the means for such a cooperative effort among the party states so that the protection of the citizens of the states and the maintenance of the viability of the states' economies will be enhanced while sharing the responsibilities of radioactive low-level waste management.

“ARTICLE II—DEFINITIONS

“As used in this compact:

“(1) ‘Facility’ means any site, location, structure, or property used or to be used for the storage, treatment, or disposal of low-level waste, excluding federal waste facilities;

“(2) ‘Low-level waste’ means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities which exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than ten (10) nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations;

“(3) ‘Generator’ means any person, partnership, association, corporation, or any other entity whatsoever which, as a part of its activities, produces low-level radioactive waste;

“(4) ‘Host state’ means a state in which a facility is located.

“ARTICLE III—REGULATORY PRACTICES

“Each party state hereby agrees to adopt practices which will require low-level waste shipments originating within its borders and destined for a facility within another party state to conform to the applicable packaging and transportation requirements and regulations of the host state. Such practices shall include:

Transportation.

“(1) Maintaining an inventory of all generators within the state that have shipped or expect to ship low-level waste to facilities in another party state;

“(2) Periodic unannounced inspection of the premises of such generators and the waste management activities thereon;

“(3) Authorization of the containers in which such waste may be shipped, and a requirement that generators use only that type of container authorized by the state;

“(4) Assurance that inspections of the carriers which transport such waste are conducted by proper authorities, and appropriate enforcement action taken for violations;

“(5) After receiving notification from a host state that a generator within the party state is in violation of applicable packaging or transportation standards, the party state will take appropriate action to assure that such violations do not recur. Such action may include inspection of every individual low-level waste shipment by that generator.

Transportation.

Each party state may impose fees upon generators and shippers to recover the cost of the inspections and other practices under this article. Nothing in this article shall be construed to limit any party state's authority to impose additional or more stringent standards on generators or carriers than those required under this article.

“ARTICLE IV—REGIONAL FACILITIES

“(1) Facilities located in any party state, other than facilities established or maintained by individual low-level waste generators for the management of their own low-level waste, shall accept low-level waste generated in any party state if such waste has been packaged and transported according to applicable laws and regulations.

"(2) No facility located in any party state may accept low-level waste generated outside of the region comprised of the party states except as provided in article V.

"(3) Until such time as paragraph (2) of article IV takes effect, facilities located in any party state may accept low-level waste generated outside of any of the party states only if such waste is accompanied by a certificate of compliance issued by an official of the state in which such waste shipment originated. Such certificate shall be in such form as may be required by the host state, and shall contain at least the following:

"(A) The generator's name and address;

"(B) A description of the contents of the low-level waste container.

Regulations.

"(C) A statement that the low-level waste being shipped has been inspected by the official who issued the certificate or by an agent or by a representative of the United States Nuclear Regulatory Commission, and found to have been packaged in compliance with applicable Federal regulations and such additional requirements as may be imposed by the host state;

"(D) A binding agreement by the state of origin to reimburse any party state for any liability or expense incurred as a result of an accidental release of such waste during shipment or after such waste reaches the facility.

Health.
Safety.

"(4) Each party state shall cooperate with the other party states in determining the appropriate site of any facility that might be required within the region comprised of the party states, in order to maximize public health and safety while minimizing the use of land in one (1) party state as the host of such facilities on a permanent basis. Each party state further agrees that decisions regarding low-level waste management facilities in their region will be reached through a good faith process which takes into account the burdens borne by each of the party states as well as the benefits each has received.

Hazardous
materials.
Washington.
Oregon.
Idaho.
Prohibition.

"(5) The party states recognize that the issue of hazardous chemical waste management is similar in many respects to that of low-level waste management. Therefore, in consideration of the State of Washington allowing access to its low-level waste disposal facilities to generators in other party states, party states such as Oregon and Idaho which host hazardous chemical waste disposal facilities shall allow access to such facilities by generators within other party states. Nothing in this compact shall be construed to prevent any party state from limiting the nature and type of hazardous chemical or low-level wastes to be accepted at facilities within its borders, or from ordering the closure of such facilities, so long as such action by a host state is applied equally to all generators within the region comprised of the party states.

"(6) Any host state may establish a schedule of fees and requirements related to its facility, to assure that closure, perpetual care and maintenance and contingency requirements are met, including adequate bonding.

"ARTICLE V—NORTHWEST LOW-LEVEL WASTE COMPACT COMMITTEE"

"The governor of each party state shall designate one (1) official of that state as the person responsible for administration of the compact. The officials so designated shall together comprise the northwest low-level waste compact committee. The committee shall meet as required to consider matters arising under this compact.

The parties shall inform the committee of existing regulations concerning low-level waste management in their states, and shall afford all parties a reasonable opportunity to review and comment upon any proposed modifications in such regulations. Notwithstanding any provision of article IV to the contrary, the committee may enter into arrangements with states provinces, individual generators, or regional compact entities outside the region comprised of the party states for access to facilities on such terms and conditions as the committee may deem appropriate. However, it shall require a two-thirds ($\frac{2}{3}$) vote of all such members, including the affirmative vote of the member of any party state in which a facility affected by such arrangement is located, for the committee to enter into such arrangement.

Regulations.

“ARTICLE VI—ELIGIBLE PARTIES AND EFFECTIVE DATE

“(1) Each of the following states is eligible to become a party to this compact: Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming. As to any eligible party, this compact shall become effective upon enactment into law by that party, but it shall not become initially effective until enacted into law by two (2) states. Any party state may withdraw from this compact by enacting a statute repealing its approval.

Alaska.
Hawaii.
Idaho.
Montana.
Oregon.
Utah.
Washington.
Wyoming.
Effective date.

“(2) After the compact has initially taken effect pursuant to paragraph (1) of this article, any eligible party state may become a party to this compact by the execution of an executive order by the governor of the state. Any state which becomes a party in this manner shall cease to be a party upon the final adjournment of the next general or regular session of its legislature or July 1, 1983, whichever occurs first, unless the compact has by then been enacted as a statute by that state.

“(3) Paragraph (2) of article IV of this compact shall take effect on July 1, 1983, if consent is given by Congress. As provided in public law 96-573, Congress may withdraw its consent to the compact after every five (5) year period.

Effective date.

42 USC 2021b
note.

“ARTICLE VII—SEVERABILITY

“If any provision of this compact, or its application to any person or circumstances, is held to be invalid, all other provisions of this compact, and the application of all of its provisions to all other persons and circumstances, shall remain valid; and to this end the provisions of this compact are severable.”

Provisions held invalid.

SEC. 222. CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT.

42 USC 2021d
note.

The consent of Congress is hereby given to the states of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, and Oklahoma to enter into the Central Interstate Low-Level Radioactive Waste Compact, and to each and every part and article thereof. Such compact reads substantially as follows:

Arkansas.
Iowa.
Kansas.
Louisiana.
Minnesota.
Missouri.
Nebraska.
North Dakota.
Oklahoma.

"CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT"

"ARTICLE I. POLICY AND PURPOSE"

Health.
Safety.
Environmental
protection.
42 USC 2021b
note.

"The party states recognize that each state is responsible for the management of its non-federal low-level radioactive wastes. They also recognize that the Congress, by enacting the Low-Level Radioactive Waste Policy Act (Public Law 96-573) has authorized and encouraged states to enter into compacts for the efficient management of wastes. It is the policy of the party states to cooperate in the protection of the health, safety and welfare of their citizens and the environment and to provide for and encourage the economical management of low-level radioactive wastes. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety and welfare of the citizens and the environment of the region; to limit the number of facilities needed to effectively and efficiently manage low-level radioactive wastes and to encourage the reduction of the generation thereof; and to distribute the costs, benefits and obligations among the party states.

"ARTICLE II. DEFINITIONS"

"As used in this compact, unless the context clearly requires a different construction:

"a. 'Commission' means the Central Interstate Low-Level Radioactive Waste Commission;

"b. 'disposal' means the isolation and final disposition of waste;

"c. 'extended care' means the care of a regional facility including necessary corrective measures subsequent to its active use for waste management until such time as the regional facility no longer poses a threat to the environment or public health;

"d. 'facility' means any site, location, structure or property used or to be used for the management of waste;

"e. 'generator' means any person who, in the course of or as incident to manufacturing, power generation, processing, medical diagnosis and treatment, biomedical research, other industrial or commercial activity, other research or mining in a party state, produces or processes waste. 'Generator' does not include any person who receives waste generated outside the region for subsequent shipment to a regional facility;

"f. 'host state' means any party state in which a regional facility is situated or is being developed;

"g. 'low-level radioactive waste' or 'waste' means, as defined in the Low-Level Radioactive Waste Policy Act (Public Law 96-573), radioactive waste not classified as: High-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in section 11 e.(2) of the Atomic Energy Act of 1954, as amended through 1978.

"h. 'management of waste' means the storage, treatment or disposal of waste;

"i. 'notification of each party state' means transmittal of written notice to the Governor, presiding officer of each legislative body and any other persons designated by the party state's Commission member to receive such notice;

42 USC 2021b
note.

42 USC 2014.

"j. 'party state' means any state which is a signatory party to this compact;

"k. 'person' means any individual, corporation, business enterprise, or other legal entity, either public or private;

"l. 'region' means the area of the party states;

"m. 'regional facility' means a facility which is located within the region and which has been approved by the Commission for the benefit of the party States;

"n. 'site' means any property which is owned or leased by a generator and is contiguous to or divided only by a public or private way from the source of generation;

"o. 'state' means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands or any other territorial possession of the United States;

"p. 'storage' means the holding of waste for treatment or disposal; and

"q. 'treatment' means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render such waste after for transport or management, amendable for recovery, convertible to another usable material, or reduced in volume.

"ARTICLE III. RIGHTS AND OBLIGATIONS

"a. There shall be provided within the region one or more regional facilities which together provide sufficient capacity to manage all wastes generated within the region. It shall be the duty of regional facilities to accept compatible wastes generated in and from party states, and meeting the requirements of this Act, and each party state shall have the right to have the wastes generated within its borders managed at such facility.

"b. To the extent authorized by Federal law and host State law, a host state shall regulate and license any regional facility within its borders and ensure the extended care of such facility.

Regulation.

"c. Rates shall be charged to any user of the regional facility, set by the operator of a regional facility and shall be fair and reasonable and be subject to the approval of the host state. Such approval shall be based upon criteria established by the Commission.

"d. A host state may establish fees which shall be charged to any user of a regional facility and which shall be in addition to the rates approved pursuant to section c. of this Article, for any regional facility within its borders. Such fees shall be reasonable and shall provide the host state with sufficient revenue to cover any costs associated with such facilities. If such fees have been reviewed and approved by the Commission and to the extent that such revenue is insufficient, all party states shall share the costs in a manner to be determined by the Commission.

"e. To the extent authorized by Federal law, each party state is responsible for enforcing any applicable Federal and state laws and regulations pertaining to the packaging and transportation of waste generated within or passing through its borders and shall adopt practices that will ensure that waste shipments originating within its borders and destined for a regional facility will conform to applicable packaging and transportation laws and regulations.

Regulation.
Transportation.

"f. Each party state has the right to rely on the good faith performance of each other party state.

"g. Unless authorized by the Commission, it shall be unlawful after January 1, 1986, for any person:

"1. to deposit at a regional facility, waste not generated within the region;

"2. to accept, at a regional facility, waste not generated within the region;

Exports.

"3. to export from the region, waste which is generated within the region; and

"4. to transport waste from the site at which it is generated, except to a regional facility.

"ARTICLE IV. THE COMMISSION

Central
Interstate Low-
Level
Radioactive
Waste
Commission,
establishment.

"a. There is hereby established the Central Interstate Low-Level Radioactive Waste Commission. The Commission shall consist of one voting member from each party state to be appointed according to the laws of each state. The appointing authority of each party state shall notify the Commission in writing of the identity of its member and any alternates. An alternate may act on behalf of the member only in the absence of such member. Each state is responsible for the expenses of its member of the Commission.

"b. Each Commission member shall be entitled to one vote. Unless otherwise provided herein, no action of the Commission shall be bonding unless a majority of the total membership casts its vote in the affirmative.

"c. The Commission shall elect from among its membership a chairman. The Commission shall adopt and publish, in convenient form, by-laws and policies which are not inconsistent with this compact.

"d. The Commission shall meet at least once a year and shall also meet upon the call of the chairman, by petition of a majority of the membership or upon the call of a host state member.

"e. The Commission may initiate any proceedings or appear as an intervenor or party in interest before any court of law, or any Federal, state or local agency, board or Commission that has jurisdiction over any matter arising under or relating to the terms of the provisions of this compact. The Commission shall determine in which proceedings it shall intervene or otherwise appear and may arrange for such expert testimony, reports, evidence or other participation in such proceedings as may be necessary to represent its views.

"f. The Commission may establish such committees as it deems necessary for the purpose of advising the Commission on any and all matters pertaining to the management of waste.

Contracts.

"g. The Commission may employ and compensate a staff limited only to those persons necessary to carry out its duties and functions. The Commission may also contract with and designate any person to perform necessary functions to assist the Commission. Unless otherwise required by the acceptance of a Federal grant, the staff shall serve at the Commission's pleasure irrespective of the civil service, personnel or other merit laws of any of the party states or the Federal government and shall be compensated from funds of the Commission.

"h. Funding for the Commission shall be as follows:

"1. The Commission shall set and approve its first annual budget as soon as practicable after its initial meeting. Party states shall equally contribute to the Commission budget on an

annual basis, an amount not to exceed \$25,000 until surcharges are available for that purpose. Host states shall begin imposition of the surcharges provided for in this section as soon as practicable and shall remit to the Commission funds resulting from collection of such surcharges within 60 days of their receipt; and

"2. Each state hosting a regional facility shall annually levy surcharges on all users of such facilities, based on the volume and characteristics of wastes received at such facilities, the total of which:

"(A) Shall be sufficient to cover the annual budget of the Commission; and

"(B) shall be paid to the Commission, provided, however, that each host state collecting such surcharges may retain a portion of the collection sufficient to cover the administrative costs of collection, and that the remainder be sufficient only to cover the approved annual budget of the Commission.

"i. The Commission shall keep accurate accounts of all receipts and disbursements. An independent certified public accountant shall annually audit all receipts and disbursements of Commission funds and submit an audit report to the Commission. Such audit report shall be made a part of the annual report of the Commission required by this Article. Audit.
Report.

"j. The Commission may accept for any of its purposes and functions any and all donations, grants of money, equipment, supplies, materials and services, conditional or otherwise from any person and may receive, utilize and dispose of same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this section, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Commission. Grants.
Reports.

"k. (1) Except as otherwise provided herein, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act, omission, course of conduct, or on account of any casual or other relationships. Generators, transporters of waste, owners and operators of facilities shall be liable for their acts, omissions, conduct or relationships in accordance with all laws relating thereto. Prohibition.

"(2) The Commission herein established is a legal entity separate and distinct from the party states and shall be so liable for its actions. Liabilities of the Commission shall not be deemed liabilities of the party states. Members of the Commission shall not be personally liable for actions taken by them in their official capacity. Prohibitions.

"l. Any person or party state aggrieved by a final decision of the Commission may obtain judicial review of such decisions in the United States District Court in the District wherein the Commission maintains its headquarters by filing in such court a petition for review within 60 days after the Commission's final decision. Proceedings thereafter shall be in accordance with the rules of procedure applicable in such court.

"m. The Commission shall:

"1. Receive and approve the application of a non-party state to become a party state in accordance with article VII;

"2. submit an annual report, and otherwise communicate with, the Governors and the presiding officers of the legislative Report.

bodies of the party states regarding the activities of the Commission;

“3. hear and negotiate disputes which may arise between the party states regarding this compact;

“4. require of and obtain from the party states, and non-party states seeking to become party states, data and information necessary to the implementation of Commission and party states’ responsibilities;

“5. approve the development and operation of regional facilities in accordance with Article V;

“6. notwithstanding any other provision of this compact, have the authority to enter into agreements with any person for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. Such authorization to import or export waste requires the approval of the Commission, including the affirmative vote of any host state which may be affected;

“7. revoke the membership of a party state in accordance with Articles V and VII;

“8. require all party states and other persons to perform their duties and obligations arising under this compact by an appropriate action in any forum designated in section e. of Article IV; and

“9. take such action as may be necessary to perform its duties and functions as provided in this compact.

Contracts.
Imports.
Exports.

“ARTICLE V. DEVELOPMENT AND OPERATION OF REGIONAL FACILITIES

“a. Following the collection of sufficient data and information from the states, the Commission shall allow each party state the opportunity to volunteer as a host for a regional facility.

“b. If no state volunteers or if no proposal identified by a volunteer state is deemed acceptable by the Commission, based on the criteria in section c. of this Article, then the Commission shall publicly seek applicants for the development and operation of regional facilities.

“c. The Commission shall review and consider each applicant’s proposal based upon the following criteria:

“1. The capability of the applicant to obtain a license from the applicable authority;

“2. the economic efficiency of each proposed regional facility, including the total estimated disposal and treatment costs per cubic foot of waste;

“3. financial assurances;

“4. accessibility to all party states; and

“5. such other criteria as shall be determined by the Commission to be necessary for the selection of the best proposal, based on the health, safety and welfare of the citizens in the region and the party states.

“d. The Commission shall make a preliminary selection of the proposal or proposals considered most likely to meet the criteria enumerated in section c. and the needs of the region.

“e. Following notification of each party state of the results of the preliminary selection process, the Commission shall:

“1. Authorize any person whose proposal has been selected to pursue licensure of the regional facility or facilities in accord-

Health.
Safety.

ance with the proposal originally submitted to the Commission or as modified with the approval of the Commission; and

"2. require the appropriate state or states or the U.S. Nuclear Regulatory Commission to process all applications for permits and licenses required for the development and operation of any regional facility or facilities within a reasonable period from the time that a completed application is submitted.

"f. The preliminary selection or selections made by the Commission pursuant to this Article shall become final and receive the commission's approval as a regional facility upon the issuance of license by the licensing authority. If a proposed regional facility fails to become licensed, the Commission shall make another selection pursuant to the procedures identified in this Article.

"g. The Commission may, by two-thirds affirmative vote of its membership, revoke the membership of any party state which, after notice and hearing, shall be found to have arbitrarily or capriciously denied or delayed the issuance of a license or permit to any person authorized by the Commission to apply for such license or permit. Revocation shall be in the same manner as provided for in section e. of Article VII.

"ARTICLE VI. OTHER LAWS AND REGULATIONS

"a. Nothing in this compact shall be construed to:

Prohibition.

"1. Abrogate or limit the applicability of any act of Congress or diminish or otherwise impair the jurisdiction of any Federal agency expressly conferred thereon by the Congress;

"2. prevent the application of any law which is not otherwise inconsistent with this compact;

"3. prohibit or otherwise restrict the management and waste on the site where it is generated if such is otherwise lawful;

"4. affect any judicial or administrative proceeding pending on the effective date of this compact;

"5. alter the relations between, and the respective internal responsibilities of, the government of a party state and its subdivisions; and

"6. affect the generation or management of waste generated by the Federal government or federal research and development activities.

Research and development.

"b. No party state shall pass or enforce any law or regulation which is inconsistent with this compact.

Prohibition.

"c. All laws and regulations or parts thereof of any party state which are inconsistent with this compact are hereby declared null and void for purposes of this compact. Any legal right, obligation, violation or penalty arising under such laws or regulations prior to enactment of this compact shall not be affected.

Regulations.

"d. No law or regulation of a party state or of any subdivision or instrumentality thereof may be applied so as to restrict or make more costly or inconvenient access to any regional facility by the generators of another party state than for the generators of the state where the facility is situated.

Prohibition.
Regulations.

"ARTICLE VII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION, ENTRY INTO FORCE, TERMINATION

"a. This compact shall have as initially eligible parties the states of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri,

Arkansas.
Iowa.
Kansas.
Louisiana.
Minnesota.
Missouri.
Nebraska.
North Dakota.
Oklahoma.

Nebraska, North Dakota and Oklahoma. Such initial eligibility shall terminate on January 1, 1984.

"b. Any state may petition the Commission for eligibility; a petitioning state shall become eligible for membership in the compact upon the unanimous approval of the Commission.

Prohibition.

"c. An eligible state shall become a member of the compact and shall be bound by it after such state has enacted the compact into law. In no event shall the compact take effect in any state until it has been entered into force as provided for in section f. of this Article.

Effective date.
Prohibition.

"d. Any party state may withdraw from this compact by enacting a statute repeating the same. Unless permitted earlier by unanimous approval of the Commission, such withdrawal shall take effect five-years after the Governor of the withdrawing state has given notice in writing of such withdrawal to each Governor of the party states. No withdrawal shall affect any liability already incurred or chargeable to a party state prior to the time of such withdrawal.

Effective date.

"e. Any party state which fails to comply with the terms of the compact or fulfill its obligations hereunder may, after notice and hearing, have its privileges suspended or its membership in the compact revoked by the Commission. Revocation shall take effect one year from the date such party state receives written notice from the Commission of its action. The Commission may require such party state to pay to the Commission, for a period not to exceed five years from the date of notice of revocation, an amount determined by the Commission based on the anticipated fees which the generators of such party state would have paid to each regional facility, an amount equal to that which such party state would have contributed in accordance with section d. of Article III, in the event of insufficient revenues. The Commission shall use such funds to ensure the continued availability of safe and economical waste management facilities for all remaining party states. Such state shall also pay an amount equal to that which such party state would have contributed to the annual budget of the Commission if such party state would have remained a member of the compact. All legal rights established under this compact of any party state which its membership revoked shall cease upon the effective date of revocation; however, any legal obligations of such party state arising prior to the effective date of revocation shall not cease until they have been fulfilled. Written notice of revocation of any state's membership in the company shall be transmitted immediately following the vote of the Commission, by the chairman, to the Governor of the affected party state, all other Governors of the party states and the Congress of the United States.

"f. This compact shall become effective after enactment by at least three eligible states and after consent has been given to it by the Congress. The Congress shall have the opportunity to withdraw such consent every five-years. Failure of the Congress to withdraw such consent affirmatively shall have the effect of renewing consent for an additional five-year period. The consent given to this compact by the Congress shall extend to any future admittance of new party states under sections b. and c. of this Article and to the power to the exportation of waste pursuant to Article III.

Prohibition.

"g. The withdrawal of a party state from this compact under section d. of this Article or the revocation of a state's membership in this compact under section 3. of this Article shall not affect the applicability of this compact to the remaining party states.

"h. This compact shall be terminated when all party states have withdrawn pursuant to section d. of this Article. Termination.

"ARTICLE VIII. PENALTIES

"a. Each party state, consistent with its own law, shall prescribe and enforce penalties against any person for violation of any provision of this compact.

"b. Each party state acknowledges that the receipt by a regional facility of waste packaged or transported in violation of applicable laws and regulations can result in sanctions which may include suspension or revocation of the violator's right of access to the regional facility. Regulations.

"ARTICLE IX. SEVERABILITY AND CONSTRUCTION

"The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared by a court of competent jurisdiction to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If any provision of this compact shall be held contrary to the Constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters. The provisions of this compact shall be liberally construed to give effect to the purpose thereof." Provisions held invalid.

SEC. 223. SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT.

42 USC 2021d note.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress is hereby given to the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia to enter into the Southeast Interstate Low-Level Radioactive Waste Management Compact. Such compact is substantially as follows:

Alabama.
Florida.
Georgia.
Mississippi.
North Carolina.
South Carolina.
Tennessee.
Virginia.

"SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT

"ARTICLE 1

"POLICY AND PURPOSE

"There is hereby created the Southeast Interstate Low-Level Radioactive Waste Management Compact. The party States recognize and declare that each state is responsible for providing for the availability of capacity either within or outside the State for disposal of low-level radioactive waste generated within its borders, except for waste generated as a result of defense activities of the federal government or federal research and development activities. They also recognize that the management of low-level radioactive waste is handled most efficiently on a regional basis. The party states further recognize that the Congress of the United States, by enacting the Low-Level Radioactive Waste Policy Act (Public Law 96-573), has provided for and encouraged the development of low-

Research and development.

42 USC 2021b note.

level radioactive waste compacts as a tool for disposal of such waste. The party states recognize that the safe and efficient management of low-level radioactive waste generated within the region requires that sufficient capacity to dispose of such waste be properly provided.

"It is the policy of the party states to: enter into a regional low-level radioactive waste management compact for the purpose of providing the instrument and framework for a cooperative effort to provide sufficient facilities for the proper management of low-level radioactive waste generated in the region; promote the health and safety of the region; limit the number of facilities required to effectively and efficiently manage low-level radioactive waste generated in the region; encourage the reduction of the amounts of low-level waste generated in the region; distribute the costs, benefits, and obligations of successful low-level radioactive waste management equitably among the party states; and ensure the ecological and economical management of low-level radioactive wastes.

Regulations.

"Implicit in the Congressional consent to this compact is the expectation by Congress and the party states that the appropriate federal agencies will actively assist the Compact Commission and the individual party states to this compact by:

"1. expeditious enforcement of federal rules, regulations, and laws;

"2. imposing sanctions against those found to be in violation of federal rules, regulations, and laws;

"3. timely inspection of their licensees to determine their capability to adhere to such rules, regulations, and laws;

"4. timely provision of technical assistance to this compact in carrying out their obligations under the Low-Level Radioactive Waste Policy Act, as amended.

42 USC 2021b
note.

"ARTICLE 2

"DEFINITIONS

"As used in this compact, unless the context clearly requires different construction:

"1. 'Commission' or 'Compact Commission' means the Southeastern Interstate Low-Level Radioactive Waste Management Commission.

"2. 'Facility' means a parcel of land, together with the structures, equipment, and improvements thereon or appurtenant thereto which is used or is being developed for the treatment, storage, or disposal of low-level radioactive waste.

"3. 'Generator' means any person who produces or processes low-level radioactive waste in the course of, or as an incident to, manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity. This does not include persons who provide a service to generators by arranging for the collection, transportation, storage, or disposal of wastes with respect to such waste generated outside the region.

"4. 'High-level waste' means irradiated reactor fuel, liquid wastes from reprocessing irradiated reactor fuel, and solids into which such liquid wastes have been converted, and other high-level radioactive waste as defined by the U.S. Nuclear Regulatory Commission.

"5. 'Host state' means any state in which a regional facility situated or is being developed.

"6. 'Low-level radioactive waste' or 'waste' means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in section 11e, (2) of the Atomic Energy Act of 1954, or as may be further defined by Federal law or regulation. 42 USC 2014.

"7. 'Party state' means any state which is a signatory party to this compact.

"8. 'Person' means any individual, corporation, business enterprise, or other legal entity (either public or private).

"9. 'Region' means the collective party states.

"10. 'Regional facility' means (1) a facility as defined in this article which has been designated, authorized, accepted, or approved by the Commission to receive waste or (2) the disposal facility in Barnwell County, South Carolina, owned by the State of South Carolina and is licensed for the burial of low-level radioactive waste on July 1, 1982, but in no event shall this disposal facility serve as a regional facility beyond December 31, 1992.

"11. 'State' means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any other territorial possession of the United States.

"12. 'Transuranic wastes' means waste material containing transuranic elements with contamination levels as determined by the regulations of (1) the U.S. Nuclear Regulatory Commission or (2) any host state, if it is an agreement state under Section 274 of the Atomic Energy Act of 1954.

"13. 'Waste management' means the storage, treatment, or disposal of waste. 42 USC 2021.

"ARTICLE 3

"RIGHTS AND OBLIGATIONS

"The rights granted to the party states by this compact are additional to the rights enjoyed by sovereign states, and nothing in this compact shall be construed to infringe upon, limit, or abridge those rights. Prohibition.

"(A) Subject to any license issued by the U.S. Nuclear Regulatory Commission or a host state, each party state shall have the right to have all wastes generated within its borders stored, treated, or disposed of, as applicable, at regional facilities and, additionally, shall have the right of access to facilities made available to the region through agreements entered into by the Commission pursuant to article 4(e)(9). The right of access by a generator within a party state to any regional facility is limited by its adherence to applicable state and federal law and regulation.

"(B) If no operating regional facility is located within the borders of a party state and the waste generated within its borders must therefore be stored, treated, or disposed of at a regional facility in another party state, the party state without such facilities may be required by the host state or states to establish a mechanism which provides compensation for access to the regional facility according to terms and conditions established by the host state or states and approved by a two-thirds vote of the Commission.

"(C) Each party state must establish the capability to regulate, license, and ensure the maintenance and extended care of any facility within its borders. Host states are responsible for the availability, the subsequent post-closure observation and maintenance,

Regulations.
Transportation.

and the extended institutional control of their regional facilities in accordance with the provisions of Article 5, Section (b).

“(D) Each party state must establish the capability to enforce any applicable federal or state laws and regulations pertaining to the packaging and transportation of waste generated within or passing through its borders.

“(E) Each party state must provide to the Commission on an annual basis any data and information necessary to the implementation of the Commission’s responsibilities. Each party state shall establish the capability to obtain any data and information necessary to meet its obligation.

“(F) Each party state must, to the extent authorized by federal law, require generators within its borders to use the best available waste management technologies and practices to minimize the volumes of waste requiring disposal.

“ARTICLE 4

“THE COMMISSION

Southeast
Interstate
Low-Level
Radioactive
Waste
Management
Commission,
establishment.

“(A) There is hereby created the Southeast Interstate Low-Level Radioactive Waste Management Commission (‘Commission’ or ‘Compact Commission’). The Commission shall consist of two voting members from each party state to be appointed according to the laws of each state. The appointing authorities of each state must notify the Commission in writing of the identity of its members and any alternates. An alternate may act on behalf of the member only in the member’s absence.

“(B) Each commission member is entitled to one vote. No action of the Commission shall be binding unless a majority of the total membership cast their vote in the affirmative, or unless a greater than majority vote is specifically required by any other provision of this compact.

“(C) The Commission must elect from among its members a presiding officer. The Commission shall adopt and publish, in convenient form, bylaws which are consistent with this compact.

“(D) The Commission must meet at least once a year and also must meet upon the call of the presiding officer, by petition of a majority of the party states, or upon the call of a host state. All meetings of the Commission must be open to the public.

“(E) The Commission has the following duties and powers:

“1. To receive and approve the application of a nonparty state to become an eligible state in accordance with the provisions of Article 7(b).

“2. To receive and approve the application of a nonparty state to become an eligible state in accordance with the provisions of Article 7(c).

Report.

“3. To submit an annual report and other communications to the Governors and to the presiding officer of each body of the legislatures of the party states regarding the activities of the Commission.

Health.
Safety.

“4. To develop and use procedures for determining, consistently with consideration for public health and safety, the type and number of regional facilities which are presently necessary and which are projected to be necessary to manage waste generated within the region.

“5. To provide the party states with reference guidelines for establishing the criteria and procedures for evaluating alternative locations for emergency or permanent regional facilities.

"6. To develop and adopt, within one year after the Commission is constituted as provided in Article 7(d) procedures and criteria for identifying a party state as a host state for a regional facility as determined pursuant to the requirements of this article. In accordance with these procedures and criteria, the Commission shall identify a host state for the development of a second regional disposal facility within three years after the Commission is constituted as provided for in Article 7(d), and shall seek to ensure that such facility is licensed and ready to operate as soon as required but no event later than 1991.

"In developing criteria, the Commission must consider the following: the health, safety, and welfare of the citizens of the party states; the existence of regional facilities within each party state; the minimization of waste transportation; the volumes and types of wastes generated within each party state; and the environmental, economic, and ecological impacts on the air, land, and water resources of the party states.

"The Commission shall conduct such hearings, require such reports, studies, evidence, and testimony, and do what is required by its approved procedures in order to identify a party state as a host state for a needed facility.

"7. In accordance with the procedures and criteria developed pursuant to Section (e)(6) of this Article, to designate, by a two-thirds vote, a host state for the establishment of a needed regional facility. The Commission shall not exercise this authority unless the party states have failed to voluntarily pursue the development of such facility. The Commission shall have the authority to revoke the membership of a party state that willfully creates barriers to the siting of a needed regional facility.

"8. To require of and obtain from party states, eligible states seeking to become party states, and nonparty states seeking to become eligible states, data and information necessary to the implementation of Commission responsibilities.

"9. Notwithstanding any other provision of this compact, to enter into agreements with any person, state, or similar regional body or group of states for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. The authorization to import requires a two-thirds majority vote of the Commission, including an affirmative vote of both representatives of a host state in which any affected regional facility is located. This shall be done only after an assessment of the affected facility's capability to handle such wastes.

"10. To act or appear on behalf of any party state or states, only upon written request of both members of the Commission for such state or states as an intervenor or party in interest before Congress, state legislatures, any court of law, or any federal, state, or local agency, board, or commission which has jurisdiction over the management of wastes. The authority to act, intervene, or otherwise appear shall be exercised by the Commission, only after approval by majority vote of the Commission.

"11. To revoke the membership of a party state in accordance with Article 7(f).

"F. The Commission may establish any advisory committees as it seems necessary for the purpose of advising the Commission on any matters pertaining to the management of low-level radioactive waste.

Health.
Safety.
Transportation.
Environmental
protection.

Reports.
Studies.

Prohibition.

Contracts.
Imports.

"G. The Commission may appoint or contract for and compensate such limited staff necessary to carry out its duties and functions. The staff shall serve at the Commission's pleasure irrespective of the civil service, personnel, or other merit laws of any of the party states or the federal government and shall be compensated from funds of the Commission. In selecting any staff, the Commission shall assure that the staff has adequate experience and formal training to carry out such functions as may be assigned to it by the Commission. If the Commission has a headquarters it shall be in a party state.

"H. Funding for the Commission must be provided as follows:

"1. Each eligible state, upon becoming a party state, shall pay twenty-five thousand dollars to the Commission which shall be used for costs of the Commission's services.

"2. Each state hosting a regional disposal facility shall annually levy special fees or surcharges on all users of such facility, based upon the volume of wastes disposed of at such facilities, the total of which:

"a. must be sufficient to cover the annual budget of the Commission;

"b. must represent the financial commitments of all party states to the Commission;

"c. must be paid to the Commission;

Provided, however, That each host state collecting such fees or surcharges may retain a portion of the collection sufficient to cover its administrative costs of collection and that the remainder be sufficient only to cover the approved annual budgets of the Commission.

"3. The Commission must set and approve its first annual budget as soon as practicable after its initial meeting. Host states for disposal facilities must begin imposition of the special fees and surcharges provided for in this section as soon as practicable after becoming party states and must remit to the Commission funds resulting from collection of such special fees and surcharges within sixty days of their receipt.

"I. The Commission must keep accurate accounts of all receipts and disbursements. An independent certified public accountant shall annually audit all receipts and disbursements of Commission funds and submit an audit report to the Commission. The audit report shall be made a part of the annual report of the Commission required by Article 4(e)(3).

"J. The Commission may accept for any of its purposes and functions any and all donations, grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state, or the United States, or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount, and condition, if any, attendant upon any donation or grant accepted pursuant to this section, together with the identity of the donor, grantor, or lender shall be detailed in the annual report to the Commission.

"K. The Commission is not responsible for any costs associated with:

"(1) the creation of any facility,

"(2) the operation of any facility,

"(3) the stabilization and closure of any facility,

Audit.
Report.

Grants.

Report.

"(4) the post-closure observation and maintenance of any facility, or

"(5) the extended institutional control, after post-closure observation and maintenance of any facility.

"L. As of January 1, 1986, the management of wastes at regional facilities is restricted to wastes generated within the region, and to wastes generated within nonparty states when authorized by the Commission pursuant to the provisions of this compact. After January 1, 1986, the Commission may prohibit the exportation of waste from the region for the purposes of management.

Prohibition.
Exports.

"M. 1. The Commission herein established is a legal entity separate and distinct from the party states capable of acting in its own behalf and is liable for its actions. Liabilities of the Commission shall not be deemed liabilities of the party states. Members of the Commission shall not personally be liable for action taken by them in their official capacity.

"2. Except as specifically provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act, omission, course of conduct, or on account of any causal or other relationships. Generators and transporters of wastes and owners and operators of sites shall be liable for their acts, omissions, conduct, or relationships in accordance with all laws relating thereto.

Prohibition.

"ARTICLE 5

"DEVELOPMENT AND OPERATION OF FACILITIES

"A. Any party state which becomes a host state in which a regional facility is operated shall not be designated by the Compact Commission as a host state for an additional regional facility until each party state has fulfilled its obligation, as determined by the Commission, to have a regional facility operated within its borders.

"B. A host state desiring to close a regional facility located within its borders may do so only after notifying the Commission in writing of its intention to do so and the reasons therefor. Such notification shall be given to the Commission at least four years prior to the intended date of closure. Notwithstanding the four-year notice requirement herein provided, a host state is not prevented from closing its facility or establishing conditions of its use and operations as necessary for the protection of the health and safety of its citizens. A host state may terminate or limit access to its regional facility if it determines that Congress has materially altered the conditions of this compact.

Health.
Safety.

"C. Each party state designated as a host state for a regional facility shall take appropriate steps to ensure that an application for a license to construct and operate a facility of the designated type is filed with and issued by the appropriate authority.

"D. No party state shall have any form of arbitrary prohibition on the treatment, storage, or disposal of low-level radioactive waste within its borders.

Prohibition.

"ARTICLE 6

"OTHER LAWS AND REGULATIONS

"A. Nothing in this compact shall be construed to:

Prohibition.

“(1) Abrogate or limit the applicability of any act of Congress or diminish or otherwise impair the jurisdiction of any federal agency expressly conferred thereon by the Congress.

42 USC 2021.

“(2) Abrogate or limit the regulatory responsibility and authority of the U.S. Nuclear Regulatory Commission or of an agreement state under Section 274 of the Atomic Energy Act of 1954 in which a regional facility is located.

“(3) Make inapplicable to any person or circumstance any other law of a party state which is not inconsistent with this compact.

“(4) Make unlawful the continued development and operation of any facility already licensed for development or operation on the date this compact becomes effective, except that any such facility shall comply with Article 3, Article 4, and Article 5 and shall be subject to any action lawfully taken pursuant thereto.

Prohibition.

“(5) Prohibit any storage or treatment of waste by the generator on its own premises.

“(6) Affect any judicial or administrative proceeding pending on the effective date of this compact.

“(7) Alter the relations between, and the respective internal responsibilities of, the government of a party state and its subdivisions.

Research and development.

“(8) Affect the generation, treatment, storage, or disposal of waste generated by the atomic energy defense activities of the Secretary of the United States Department of Energy or federal research and development activities as defined in Public Law 96-573.

42 USC 2021b note.

“(9) Affect the rights and powers of any party state and its political subdivisions to regulate and license any facility within its borders or to affect the rights and powers of any party state and its political subdivisions to tax or impose fees on the waste managed at any facility within its borders.

Prohibition. Regulation.

“B. No party shall pass any law or adopt any regulation which is inconsistent with this compact. To do so may jeopardize the membership status of the party state.

Prohibition. Regulation.

“C. Upon formation of the compact no law or regulation of a party state or of any subdivision or instrumentality thereof may be applied so as to restrict or make more inconvenient access to any regional facility by the generators of another party state than for the generators of the state where the facility is situated.

“D. Restrictions of waste management of regional facilities pursuant to Article 4 shall be enforceable as a matter of state law.

“ARTICLE 7

“ELIGIBLE PARTIES; WITHDRAWAL; REVOCATION; ENTRY INTO FORCE; TERMINATION

Alabama.
Florida.
Georgia.
Mississippi.
North Carolina.
South Carolina.
Tennessee.
Virginia.

“A. This compact shall have as initially eligible parties the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

“B. Any state not expressly declared eligible to become a party state to this compact in Section (A) of this Article may petition the Commission, once constituted, to be declared eligible. The Commission may establish such conditions as it deems necessary and appropriate to be met by a state wishing to become eligible to become a party state to this compact pursuant to such provisions of this

Section. Upon satisfactorily meeting the conditions and upon the affirmative vote of two-thirds of the Commission, including the affirmative vote of both representatives of a host state in which any affected regional facility is located, the petitioning state shall be eligible to become a party state to this compact and may become a party state in the manner as those states declared eligible in Section (D) of this Article.

"C. Each state eligible to become a party state to this compact shall be declared a party state upon enactment of this compact into law by the state and upon payment of the fees required by Article 4(H)(1). The Commission is the judge of the qualifications of the party states and of its members and of their compliance with the conditions and requirements of this compact and the laws of the party states relating to the enactment of this compact.

"D. 1. The first three states eligible to become party states to this compact which enact this compact into law and appropriate the fees required by Article 4(H)(1) shall immediately, upon the appointment of their Commission members, constitute themselves as the Southeast Low-Level Radioactive Waste Management Commission; shall cause legislation to be introduced in Congress which grants the consent of Congress to this compact; and shall do those things necessary to organize the commission and implement the provisions of this compact.

"2. All succeeding states eligible to become party states to this compact shall be declared party states pursuant to the provisions of Section (C) of this Article.

"3. The consent of Congress shall be required for the full implementation of this compact. The provisions of Article 5 Section (D) shall not become effective until the effective date of the import ban authorized by Article 4, Section (L) as approved by Congress. Congress may by law withdraw its consent only every five years.

"E. No state which holds membership in any other regional compact for the management of low-level radioactive waste may be considered by the Compact Commission for eligible state status or party state status.

"F. Any party state which fails to comply with the provisions of this compact or to fulfill the obligations incurred by becoming a party state to this compact may be subject to sanctions by the Commission, including suspension of its rights under this compact and revocation of its status as a party state. Any sanction shall be imposed only upon the affirmative vote of at least two-thirds of the Commission members. Revocation of party state status may take effect on the date of the meeting at which the Commission approves the resolution imposing such sanction, but in no event shall revocation take effect later than ninety days from the date of such meeting. Rights and obligations incurred by being declared a party state to this compact shall continue until the effective date of the sanction imposed or as provided in the resolution of the Commission imposing the sanction.

"The Commission must, as soon as practicable after the meeting at which a resolution revoking status as a party state is approved, provide written notice of the action, along with a copy of the resolution, to the Governors, the Presidents of the Senates, and the Speakers of the Houses of Representatives of the party states, as well as chairmen of the appropriate committees of Congress.

"G. Any party state may withdraw from the compact by enacting law repealing the compact; provided, that if a regional facility is

Effective date.

Prohibition.

located within such a state, such regional facility shall remain available to the region for four years after the date the Commission receives notification in writing from the governor of such party state of the rescission of the compact. The Commission, upon receipt of the notification, shall as soon as practicable provide copies of such notification to the Governors, the Presidents of the Senates, and the Speakers of the Houses of Representatives of the party states as well as the chairmen of the appropriate committees of Congress.

"H. This compact may be terminated only by the affirmative action of Congress or by the rescission of all laws enacting the compact in each party state.

"ARTICLE 8

"PENALTIES

"A. Each party state, consistently with its own law, shall prescribe and enforce penalties against any person not an official of another state for violation of any provisions of this compact.

Regulation.

"B. Each party state acknowledges that the receipt by a host state of waste packaged or transported in violation of applicable laws and regulations can result in the imposition of sanctions by the host state which may include suspension or revocation of the violator's right of access to the facility in the host state.

"ARTICLE 9

"SEVERABILITY AND CONSTRUCTION

Provisions held
invalid.

"The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the Constitution of any participating state or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby. If any provision of this compact shall be held contrary to the Constitution of any State participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters. The provisions of this compact shall be liberally construed to give effect to the purposes thereof."

42 USC 2021d
note.

SEC. 224. CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT.

Illinois.
Kentucky.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress hereby is given to the States of Illinois and Kentucky to enter into the Central Midwest Interstate Low-Level Radioactive Waste Compact. Such compact is substantially as follows:

"ARTICLE I. POLICY AND PURPOSE

"There is created the Central Midwest Interstate Low-Level Radioactive Waste Compact.

"The states party to this compact recognize that the Congress of the United States, by enacting the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021), has provided for and encouraged the development of low-level radioactive waste compacts as a tool for

42 USC 2021b
note.

managing such waste. The party states acknowledge that Congress declared that each state is responsible for providing for the availability of capacity either within or outside the state for the disposal of low-level radioactive waste generated within its borders, except for waste generated as a result of certain defense activities of the federal government or federal research and development activities. The party states also recognize that the management of low-level radioactive waste is handled most efficiently on a regional basis; and, that the safe and efficient management of low-level radioactive waste generated within the region requires that sufficient capacity to manage such waste be properly provided.

"a) It is the policy of the party states to enter into a regional low-level radioactive waste management compact for the purpose of:

"(1) providing the instrument and the framework for a cooperative effort;

"(2) providing sufficient facilities for the proper management of low-level radioactive waste generated in the region;

"(3) protecting the health and safety of the citizens of the region;

"(4) limiting the number of facilities required to manage low-level radioactive waste generated in the region effectively and efficiently;

"(5) promoting the volume and source reduction of low-level radioactive waste generated in the region;

"(6) distributing the costs, benefits and obligations of successful low-level radioactive waste management equitably among the party states and among generators and other persons who use regional facilities to manage their waste;

"(7) ensuring the ecological and economical management of low-level radioactive waste, including the prohibition of shallow-land burial of waste; and

"(8) promoting the use of above-ground facilities and other disposal technologies providing greater and safer confinement of low-level radioactive waste than shallow-land burial facilities.

"b) Implicit in the Congressional consent to this compact is the expectation by the Congress and the party states that the appropriate federal agencies will actively assist the Compact Commission and the individual party states to this compact by:

"(1) expeditious enforcement of federal rules, regulations and laws;

"(2) imposition of sanctions against those found to be in violation of federal rules, regulations and laws; and

"(3) timely inspection of their licensees to determine their compliance with these rules, regulations and laws.

Health.
Safety.

Regulations.

"ARTICLE II. DEFINITIONS

"As used in this compact, unless the context clearly requires a different construction:

"a) 'Commission' means the Central Midwest Interstate Low-Level Radioactive Waste Commission.

"b) 'Decommissioning' means the measures taken at the end of a facility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at a facility.

"c) 'Disposal' means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

"d) 'Eligible' state means either the State of Illinois or the Commonwealth of Kentucky.

"e) 'Extended care' means the continued observation of a facility after closure for the purpose of detecting a need for maintenance, ensuring environmental safety, and determining compliance with applicable licensure and regulatory requirements and includes undertaking any action or clean-up necessary to protect public health and the environment from radioactive releases from a regional facility.

"f) 'Facility' means a parcel of land or site, together with the structures, equipment and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage or disposal of low-level radioactive waste.

"g) 'Generator' means a person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity and who, to the extent required by law, is licensed by the U.S. Nuclear Regulatory Commission or a party state, to produce or possess such waste.

"h) 'Host state' means any party state that is designated by the Commission to host a regional facility, provided that a party state with a total volume of waste recorded on low-level radioactive waste manifests for any year that is less than 10 percent of the total volume recorded on such manifests for the region during the same year shall not be designated a host state.

"i) 'Institutional control' means those activities carried out by the host state to physically control access to the disposal site following transfer of control of the disposal site from the disposal site operator to the state or federal government. These activities must include, but need not be limited to, environmental monitoring, periodic surveillance, minor custodial care, and other necessary activities at the site as determined by the host state, and administration of funds to cover the costs for these activities. The period of institutional control will be determined by the host state, but institutional control may not be relied upon for more than 100 years following transfer of control of the disposal site to the state or federal government.

"j) 'Long-term liability' means the financial obligation to compensate any person for medical and other expenses incurred from damages to human health, personal injuries suffered from damages to human health and damages or losses to real or personal property, and to provide for the costs for accomplishing any necessary corrective action or clean-up on real or personal property caused by radioactive releases from a regional facility.

"k) 'Low-level radioactive waste' or 'waste' means radioactive waste not classified as (1) high-level radioactive waste, (2) transuranic waste, (3) spent nuclear fuel, or (4) by-product material as defined in Section 11e. (2) of the Atomic Energy Act of 1954.

"l) 'Management plan' means the plan adopted by the Commission for the storage, transportation, treatment and disposal of waste within the region.

"m) 'Manifest' means a shipping document identifying the generator of waste, the volume of waste, the quantity of radionuclides in the shipment, and such other information as may be required by the appropriate regulatory agency.

"n) 'Party state' means any eligible state which enacts the compact into law and pays the membership fee.

"o) 'Person' means any individual, corporation, business enterprise or other legal entity, either public or private, and any legal successor, representative, agent or agency of that individual, corporation, business enterprise, or legal entity.

"p) 'Region' means the geographical area of the party states.

"q) 'Regional facility' means a facility which is located within the region and which is established by a party state pursuant to designation of that state as a host state by the Commission.

"r) 'Shallow-land burial' means a land disposal facility in which radioactive waste is disposed of in or within the upper 30 meters of the earth's surface; however, this definition shall not include an enclosed, engineered, strongly structurally enforced and solidified bunker that extends below the earth's surface.

"s) 'Site' means the geographic location of a facility.

"t) 'Source reduction' means those administrative practices that reduce the radionuclide levels in low-level radioactive waste or that prevent the generation of additional low-level radioactive waste.

"u) 'State' means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territorial possession of the United States.

"v) 'Storage' means the temporary holding of waste for treatment or disposal.

"w) 'Treatment' means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport or management, amenable to recovery, convertible to another usable material or reduced in volume.

"x) 'Volume reduction' means those methods including, but not limited to, biological, chemical, mechanical and thermal methods used to reduce the amount of space that waste materials occupy and to put them into a form suitable for storage or disposal.

"y) 'Waste management' means the source and volume reduction, storage, transportation, treatment or disposal of waste.

"ARTICLE III. THE COMMISSION

"a) There is created the Central Midwest Interstate Low-Level Radioactive Waste Commission. Upon the eligible states becoming party states, the Commission shall consist of two voting members from each state eligible to be a host state, one voting member from any other party state, and an ex officio non-voting member who is a member of the County Board of or who is a County Commissioner of each host county. The Governor of each party state shall notify the Commission in writing of its members and any alternates.

"b) Each Commission member is entitled to one vote. No action of the Commission is binding unless a majority of the total membership casts its vote in the affirmative.

"c) The Commission shall elect annually from among its members a chairperson. The Commission shall adopt and publish, in convenient form, by-laws and policies that are not inconsistent with this compact, including procedures that conform with the provisions of the Federal Administrative Procedure Act (5 U.S.C. ss. 500 to 559) to the greatest extent practicable in regard to notice, conduct and recording of meetings; access by the public to records; provision of information to the public; conduct of adjudicatory hearings; and issuance of decisions.

Central Midwest
Interstate Low-
Level
Radioactive
Waste
Commission,
establishment.

Public informa-
tion.

"d) The Commission shall meet at least once annually and shall also meet upon the call of the chairperson or a Commission member.

"e) All meetings of the Commission and its designated committees shall be open to the public with reasonable advance notice. The Commission may, by majority vote, close a meeting to the public for the purpose of considering sensitive personnel or legal strategy matters. However, all Commission actions and decisions shall be made in open meetings and appropriately recorded. A roll call may be required upon request of any member or the presiding officer.

"f) The Commission may establish advisory committees for the purpose of advising the Commission on any matters pertaining to waste management, waste generation and source and volume reduction.

"g) The Office of the Commission shall be in the first state eligible to be a host state. The Commission may appoint or contract for and compensate such staff necessary to carry out its duties and functions. The staff shall serve at the Commission's pleasure with the exception that staff hired as the result of securing federal funds shall be hired and governed under applicable federal statutes and regulations. In selecting any staff, the Commission shall assure that the staff has adequate experience and formal training to carry out the functions assigned to it by the Commission.

"h) All files, records and data of the Commission shall be open to reasonable public inspection and may be copied upon payment of reasonable fees to be established where appropriate by the Commission, except for information privileged against introduction in judicial proceedings. Such fees may be waived or shall be reduced substantially for not-for-profit organizations.

"i) The Commission may:

"1) Enter into an agreement or contract with any person, state or group of states for the right to use regional facilities for waste generated outside of the region and for the right to use facilities outside the region for waste generated within the region. No person may use a regional facility for waste generated outside the region unless both a majority of the members of the Commission and all members from the host state in which any affected regional facility is located vote in favor of permitting such use. No person in the region may use a storage, treatment or disposal facility outside the region without prior Commission approval. No such agreement or contract shall be valid unless specifically approved by a law enacted by the legislature of the host state.

"2) Approve the disposal of waste generated within the region at a facility other than a regional facility.

"3) Appear as an intervenor or party in interest before any court of law or any federal, state or local agency, board or commission in any matter related to waste management. In order to represent its views, the Commission may arrange for any expert testimony, reports, evidence or other participation.

"4) Review the emergency closure of a regional facility, determine the appropriateness of that closure, and take whatever actions are necessary to ensure that the interests of the region are protected, provided that a party state with a total volume of waste recorded on low-level radioactive waste manifests for any year that is less than 10 percent of the total volume recorded on such manifests for the region during the same year shall not be designated a host state or be required to store the region's

Records.
Public
inspection.

Contracts.
Prohibitions.

Reports.

Prohibition.

waste. In determining the 10 percent exclusion, there shall not be included waste recorded on low-level radioactive waste manifests by a person whose principal business is providing a service by arranging for the collection, transportation, treatment, storage or disposal of such waste.

"(5) Take any action which is appropriate and necessary to perform its duties and functions as provided in this compact.

"(6) Suspend the privileges or revoke the membership of a party state.

"(j) The Commission shall:

"(1) Submit an annual report to, and otherwise communicate with, the governors and the appropriate officers of the legislative bodies of the party states regarding the activities of the Commission.

Report.

"(2) Here, negotiate, and, as necessary, resolve by final decision disputes which may arise between the party states regarding this compact.

"(3) Adopt and amend, as appropriate, a regional management plan that plans for the establishment of needed regional facilities.

"(4) Adopt an annual budget.

"(k) Funding of the budget of the Commission shall be provided as follows:

"(1) Each state, upon becoming a party state, shall pay \$50,000 to the Commission which shall be used for the administrative costs of the Commission.

"(2) Each state hosting a regional facility shall levy surcharges on each user of the regional facility based upon its portion of the total volume and characteristics of wastes managed at that facility. The surcharges collected at all regional facilities shall:

"(A) be sufficient to cover the annual budget of the Commission; and

"(B) be paid to the Commission, provided, however, that each host state collecting surcharges may retain a portion of the collection sufficient to cover its administrative costs of collection.

"(l) The Commission shall keep accurate accounts of all receipts and disbursements. The Commission shall contract with an independent certified public accountant to annually audit all receipts and disbursements of Commission funds and to submit an audit report to the Commission. The audit report shall be made a part of the annual report of the Commission required by this Article.

Contracts.
Audit.
Reports.

"(m) The Commission may accept for any of its purposes and functions and may utilize and dispose of any donations, grants of money, equipment, supplies, materials and services from any state or the United States (or any subdivision or agency thereof), or interstate agency, or from any institution, person, firm or corporation. The nature, amount and condition, if any, attendant upon any donation or grant accepted or received by the Commission together with the identity of the donor, grantor, or lender, shall be detailed in the annual report of the Commission. The Commission shall establish guidelines for the acceptance of donations, grants, equipment, supplies, materials and services and shall review such guidelines annually.

Grants.
Report.

"(n) The Commission is not liable for any costs associated with any of the following:

- "1) the licensing and construction of any facility;
- "2) the operation of any facility;
- "3) the stabilization and closure of any facility;
- "4) the extended care of any facility;
- "5) the institutional control, after extended care of any facility; or
- "6) the transportation of waste to any facility.

Transportation.

"o) The Commission is a legal entity separate and distinct from the party states and is liable for its actions as a separate and distinct legal entity. Members of the Commission are not personally liable for actions taken by them in their official capacity.

"p) Except as provided under Sections (n) and (o) of this Article, nothing in this compact alters liability for any action, omission, course of conduct or liability resulting from any causal or other relationships.

"q) Any person aggrieved by a final decision of the Commission, which adversely affects the legal rights, duties or privileges of such person, may petition a court of competent jurisdiction, within 60 days after the Commission's final decision, to obtain judicial review of said final decision.

"ARTICLE IV. REGIONAL MANAGEMENT PLAN

"The Commission shall adopt a regional management plan designed to ensure the safe and efficient management of waste generated within the region. In adopting a regional waste management plan the Commission shall:

Health.
Safety.

"a) Adopt procedures for determining, consistent with considerations of public health and safety, the type and number of regional facilities which are presently necessary and which are projected to be necessary to manage waste generated within the region.

"b) Develop and adopt policies promoting source and volume reduction of waste generated within the region.

"c) Develop alternative means for the treatment, storage and disposal of waste, other than shallow-land burial or underground injection well.

"d) Prepare a draft regional management plan that shall be made available in a convenient form to the public for comment. The Commission shall conduct one or more public hearings in each party state prior to the adoption of the regional management plan. The regional management plan shall include the Commission's response to public and party state comment.

"ARTICLE V. RIGHTS AND OBLIGATIONS OF PARTY STATES

"a) Each party state shall act in good faith in the performance of acts and courses of conduct which are intended to ensure the provision of facilities for regional availability and usage in a manner consistent with this compact.

"b) Other than the provisions of Article V(f), each party state has the right to have all wastes generated within borders managed at regional facilities subject to the provisions contained in Article IX(b) and IX(c). All party states have an equal right of access to any facility made available to the region by any agreement entered into by the Commission pursuant to Article III(i)(1).

"c) Party states or generators may negotiate for the right of access to a facility outside the region and may export waste outside the region subject to Commission approval under Article III(i)(1).

Exports.

"d) To the extent permitted by federal law, each party state may enforce any applicable federal and state laws, regulations and rules pertaining to the packaging and transportation of waste generated within or passing through its borders. Nothing in this Section shall be construed to require a party state to enter into any agreement with the U.S. Nuclear Regulatory Commission.

Regulations.
Transportation.
Prohibition.
Contracts.

"e) Each party state shall provide to the Commission any data and information the Commission requires to implement its responsibilities. Each party state shall establish the capability to obtain any data and information required by the Commission.

"f) Waste originating from the Maxey Flats nuclear waste disposal site in Fleming County, Kentucky shall not be shipped to the regional facility for storage, treatment or disposal. Disposition of these wastes shall be the sole responsibility of the Commonwealth of Kentucky and shall not be subject to the provisions of this compact.

Kentucky.
Prohibition.

"ARTICLE VI. DEVELOPMENT AND OPERATION OF FACILITIES

"a) Any party state may volunteer to become a host state, and the Commission may designate that state as a host state.

"b) If all regional facilities required by the regional management plan are not developed pursuant to Section (a), or upon notification that an existing regional facility will be closed, the Commission may designate a host state.

"c) A party state shall not be selected as a host state for any regional facility unless that state's total volume of waste recorded on low-level radioactive waste manifests for any year is more than 10 percent of the total volume recorded on such manifests for the region during the same year. In determining the 10 percent exclusion, there shall not be included waste recorded on low-level radioactive waste manifests by a person whose principal business is providing a service by arranging for the collection, transportation, treatment, storage or disposal of such waste.

Prohibitions.

"d) Each party state designated as a host state is responsible for determining possible facility locations within its borders. The selection of a facility site shall not conflict with applicable federal and host state laws, regulations and rules not inconsistent with this compact and shall be based on factors including, but not limited to, geological, environmental, engineering and economic viability of possible facility locations.

Prohibition.

"e) Any party state designated as a host state may request the Commission to relieve that state of the responsibility to serve as a host state. The Commission may relieve a party state of this responsibility only upon a showing by the requesting party state that no feasible potential regional facility site of the type it is designated to host exists within its borders.

"f) After a state is designated a host state by the Commission, it is responsible for the timely development and operation of a regional facility.

"g) To the extent permitted by federal and state law, a host state shall regulate and license any facility within its borders and ensure the extended care of that facility.

“h) The Commission may designate a party state as a host state while a regional facility is in operation if the Commission determines that an additional regional facility is or may be required to meet the needs of the region.

“i) Designation of a host state is for a period of 20 years or the life of the regional facility which is established under that designation, whichever is shorter. Upon request of a host state, the Commission may modify the period of its designation.

“j) A host state may establish a fee system for any regional facility within its borders. The fee system shall be reasonable and equitable. This fee system shall provide the host state with sufficient revenue to cover any costs including, but not limited to, the planning, siting, licensure, operation, pre-closure corrective action or clean-up, monitoring, inspection, decommissioning, extended care and long-term liability, associated with such facilities. This fee system may provide for payment to units of local government affected by a regional facility for costs incurred in connection with such facility. This fee system may also include reasonable revenue beyond the costs incurred for the host state, subject to approval by the Commission. The fee system shall include incentives for source or volume reduction and may be based on the hazard of the waste. A host state shall submit an annual financial audit of the operation of the regional facility to the Commission.

“k) A host state shall ensure that a regional facility located within its borders which is permanently closed is properly decommissioned. A host state shall also provide for the extended care of a closed or decommissioned regional facility within its borders so that the public health and safety of the state and region are ensured, unless, pursuant to the federal Nuclear Waste Policy Act of 1982, the federal government has assumed title and custody of the regional facility and the federal government thereby has assumed responsibility to provide for the extended care of such facility.

“l) A host state intending to close a regional facility located within its borders shall notify the Commission in writing of its intention and the reasons. Notification shall be given to the Commission at least five years prior to the intended date of closure. This Section shall not prevent an emergency closing of a regional facility by a host state to protect its air, land and water resources and the health and safety of its citizens. However, a host state which has an emergency closing of a regional facility shall notify the Commission in writing within three working days of its action and shall, within 30 working days of its action, demonstrate justification for the closing.

“m) If a regional facility closes before an additional or new facility becomes operational, waste generated within the region may be shipped temporarily to any location agreed on by the Commission until a regional facility is operational, provided that the region's waste shall not be stored in a party state with a total volume of waste recorded on low-level radioactive waste manifests for any year which is less than 10 percent of the total volume recorded on such manifests for the region during the same year. In determining the 10 percent exclusion, there shall not be included waste recorded on low-level radioactive waste manifests by a person whose principal business is providing a service by arranging for the collection, transportation, treatment, storage or disposal of such waste.

“n) A party state which is designated as a host state by the Commission and fails to fulfill its obligations as a host state may

Health.
Safety.

42 USC 10101
note.

Prohibition.
Environmental
protection.
Health.
Safety.

Prohibition.
Transportation.

have its privileges under the compact suspended or membership in the compact revoked by the Commission.

“(o) The host state shall create an ‘Extended Care and Long-Term Liability Fund’ and shall allocate sufficient fee revenues, received pursuant to Article VI(j), to provide for the costs of:

“(1) decommissioning and other procedures required for the proper closure of a regional facility;

“(2) monitoring, inspection and other procedures required for the proper extended care of a regional facility;

“(3) undertaking any corrective action or clean-up necessary to protect human health and the environment from radioactive releases from a regional facility; and

“(4) compensating any person for medical and other expenses incurred from damages to human health, personal injuries suffered from damages to human health and damages or losses to real or personal property, and accomplishing any necessary corrective action or clean-up on real or personal property caused by radioactive releases from a regional facility; the host state may allocate monies in this Fund in amounts as it deems appropriate to purchase insurance or to make other similar financial protection arrangements consistent with the purposes of this Fund; this Section shall in no manner limit the financial responsibilities of the site operator pursuant to Article VI(p) and the party states, or any other states which contract to dispose of wastes at the regional facility, pursuant to Article VI(q).

Health.
Environmental
protection.

Health.
Real property.
Gifts and
property.
Insurance.
Contracts.

“(p) The operator of a regional facility shall purchase an amount of property and third-party liability insurance deemed appropriate by the host state, pay the necessary periodic premiums at all times and make periodic payments to the Extended Care and Long-Term Liability Fund as set forth in Article VI(o) for such amounts as the host state reasonably determines is necessary to provide for future premiums to continue such insurance coverage, in order to pay the costs of compensating any person for medical and other expenses incurred from damages to human health, personal injuries suffered from damages to human health and damages or losses to real or personal property, and accomplishing any necessary corrective action or clean-up on real or personal property caused by radioactive releases from a regional facility. In the event of such costs resulting from radioactive releases from a regional facility, the host state should, to the maximum extent possible, seek to obtain monies from such insurance prior to using monies from the Extended Care and Long-Term Liability Fund.

Real property.
Insurance.
Health.

“(q) All party states, or any other states which contract to dispose of wastes at the regional facility, shall be liable for the cost of extended care and long-term liability in excess of monies available from the Extended Care and Long-Term Liability Fund, as set forth in Article VI(o) and from the property and third-party liability insurance as set forth in Article VI(p). A party state may meet such liability for costs by levying surcharges upon generators located in the party state. The extent of such liability for such party state shall be based on the proportionate share of the total volume of waste placed in the regional facility by generators located in each such party state. Such liability shall be joint and several among the party states with a right of contribution between the party states. However, this Section shall not apply to a party state with a total volume of waste recorded on low-level radioactive waste manifests for any

Contracts.
Prohibition.

year that is less than 10 percent of the total volume recorded on such manifests for the region during the same year.

“ARTICLE VII. OTHER LAWS AND REGULATIONS

- Prohibitions. “a) Nothing in this compact:
- “1) abrogates or limits the applicability of any act of Congress or diminishes or otherwise impairs the jurisdiction of any federal agency expressly conferred thereon by the Congress;
 - “2) prevents the enforcement of any other law of a party state which is not inconsistent with this compact;
 - “3) prohibits any storage or treatment of waste by the generator on its own premises;
 - “4) affects any administrative or judicial proceeding pending on the effective date of this compact;
 - “5) alters the relations between the respective internal responsibility of the government of a party state and its subdivisions;
 - “6) affects the generation, treatment, storage or disposal of waste generated by the atomic energy defense activities of the Secretary of the U.S. Department of Energy or successor agencies or federal research and development activities as defined in 42 U.S.C. 2021;
 - “7) affects the rights and powers of any party state or its political subdivisions, to the extent not inconsistent with this compact, to regulate and license any facility or the transportation of waste within its borders or affects the rights and powers of any state or its political subdivisions to tax or impose fees on the waste managed at any facility within its borders;
- Research and development. “8) requires a party state to enter into any agreement with the U.S. Nuclear Regulatory Commission; or
- Transportation. Taxes. “9) alters or limits liability of transporters of waste and owners and operators of sites for their acts, omissions, conduct or relationships in accordance with applicable laws.
- Contracts. “b) For purposes of this compact, all state laws or parts of laws in conflict with this compact are hereby superseded to the extent of the conflict.
- Prohibition. Regulations. “c) No law, rule, regulation, fee or surcharge of a party state, or of any of its subdivisions or instrumentalities, may be applied in a manner which discriminates against the generators of another party state.
- Prohibition. “d) No person who provides a service by arranging for collection, transportation, treatment, storage or disposal for waste generated outside the region shall be allowed to dispose of such waste at a regional facility unless specifically approved by the Commission pursuant to the provisions of Article III(i)(1).

“ARTICLE VIII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION, ENTRY INTO FORCE, TERMINATION

- Illinois. Kentucky. “a) Eligible parties to this compact are the State of Illinois and Commonwealth of Kentucky. Eligibility terminates on April 15, 1985.
- “b) An eligible state becomes a party state when the state enacts the compact into law and pays the membership fee required in Article III(k)(1).

"(c) The Commission is formed upon the appointment of Commission members and the tender of the membership fee payable to the Commission by the eligible states. The Governor of Illinois shall convene the initial meeting of the Commission. The Commission shall cause legislation to be introduced in the Congress which grants the consent of the Congress to this compact, and shall take action necessary to organize the Commission and implement the provisions of this compact.

"(d) Other than the special circumstances for withdrawal in Section (f) of this Article, either party state may withdraw from this compact at any time by repealing the authorizing legislation, but no withdrawal may take effect until 5 years after the governor of the withdrawing state gives notice in writing of the withdrawal to the Commission and to the governor of the other state. Withdrawal does not affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal. Any host state which grants a disposal permit for waste generated in a withdrawing state shall void the permit when the withdrawal of that state is effective.

"(e) This compact becomes effective July 1, 1984, or at any date subsequent to July 1, 1984, upon enactment by the eligible states. However, Article IX(b) shall not take effect until the Congress has by law consented to this compact. The Congress shall have an opportunity to withdraw such consent every 5 years. Failure of the Congress affirmatively to withdraw its consent has the effect of renewing consent for an additional 5 year period. The consent given to this compact by the Congress shall extend to the power of the region to ban the shipment of waste into the region pursuant to Article III(i)(1) and to prohibit exportation of waste generated within the region pursuant to Article III(i)(1).

Effective date.

"(f) A state which has been designated a host state may withdraw from the compact. The option to withdraw must be exercised within 90 days of the date the governor of the designated state receives written notice of the designation. Withdrawal becomes effective immediately after notice is given in the following manner. The governor of the withdrawing state shall give notice in writing to the Commission and to the governor of each party state. A state which withdraws from the compact under this Section forfeits any funds already paid pursuant to this compact. A designated host state which withdraws from the compact after 90 days and prior to fulfilling its obligations shall be assessed a sum the Commission determines to be necessary to cover the costs borne by the Commission and remaining party states as a result of that withdrawal.

Prohibition.
Exports.

Effective date.

"ARTICLE IX. PENALTIES

"(a) Each party state shall prescribe and enforce penalties against any person who is not an official of another state for violation of any provision of this compact.

"(b) Unless otherwise authorized by the Commission pursuant to Article III(i), after January 1, 1986 it is a violation of this compact:

"1) for any person to deposit at a regional facility waste not generated within the region;

"2) for any regional facility to accept waste not generated within the region;

"3) for any person to export from the region waste which is generated within the region; or

Regulation.

"4) for any person to dispose of waste at a facility other than a regional facility.

"(c) Each party state acknowledges that the receipt by a host state of waste packaged or transported in violation of applicable laws, rules or regulations may result in the imposition of sanctions by the host state which may include suspension or revocation of the violator's right of access to the facility in the host state.

"(d) Each party state has the right to seek legal recourse against any party state which acts in violation of this compact.

"ARTICLE X. SEVERABILITY AND CONSTRUCTION

Provisions held invalid.

"The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared by a court of competent jurisdiction to be contrary to the Constitution of any participating state or the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If any provision of this compact shall be held contrary to the Constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters."

42 USC 2021d note.

SEC. 225. MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT.

Iowa.
Indiana.
Michigan.
Minnesota.
Missouri.
Ohio.
Wisconsin.

The consent of Congress is hereby given to the States of Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin to enter into the Midwest Interstate Compact on Low-level Radioactive Waste Management. Such compact is as follows:

"ARTICLE I. POLICY AND PURPOSE

"There is created the Midwest Interstate Low-level Radioactive Waste Compact.

Research and development.

"The states party to this compact recognize that the Congress of the United States, by enacting the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b to 2021d), has provided for and encouraged the development of low-level radioactive waste compacts as a tool for managing such waste. The party states acknowledge that the Congress has declared that each state is responsible for providing for the availability of capacity either within or outside the state for the disposal of low-level radioactive waste generated within its borders, except for waste generated as a result of certain defense activities of the federal government or federal research and development activities. The party states also recognize that the management of low-level radioactive waste is handled most efficiently on a regional basis; and, that the safe and efficient management of low-level radioactive waste generated within the region requires that sufficient capacity to manage such waste be properly provided.

"a. It is the policy of the party states to enter into a regional low-level radioactive waste management compact for the purpose of:

- "1. Providing the instrument and framework for a cooperative effort;
- "2. Providing sufficient facilities for the proper management of low-level radioactive waste generated in the region;

"3. Protecting the health and safety of the citizens of the region; Health.
Safety.

"4. Limiting the number of facilities required to effectively and efficiently manage low-level radioactive waste generated in the region;

"5. Encouraging the reduction of the amounts of low-level radioactive waste generated in the region;

"6. Distributing the costs, benefits and obligations of successful low-level radioactive waste management equitably among the party states, and among generators and other persons who use regional facilities to manage their waste; and

"7. Ensuring the ecological and economical management of low-level radioactive wastes.

"b. Implicit in the Congressional consent to this compact is the expectation by the Congress and the party states that the appropriate federal agencies will actively assist the Compact Commission and the individual party states to this compact by: Regulations.

"1. Expeditionous enforcement of federal rules, regulations and laws;

"2. Imposition of sanctions against those found to be in violation of federal rules, regulations and laws; and

"3. Timely inspection of their licensees to determine their compliance with these rules, regulations and laws.

"ARTICLE II. DEFINITIONS

"As used in this compact, unless the context clearly requires a different construction:

"a. 'Care' means the continued observation of a facility after closure for the purposes of detecting a need for maintenance, ensuring environmental safety, and determining compliance with applicable licensure and regulatory requirements and including the correction of problems which are detected as a result of that observation.

"b. 'Commission' means the Midwest Interstate Low-Level Radioactive Waste Commission.

"c. 'Decommissioning' means the measures taken at the end of a facility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at a facility.

"d. 'Disposal' means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

"e. 'Eligible state' means a state qualified to be a party state to this compact as provided in Article VIII.

"f. 'Facility' means a parcel of land or site, together with the structures, equipment and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage or disposal of low-level radioactive waste.

"g. 'Generator' means any person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity and who, to the extent required by law, is licensed by the U.S. Nuclear Regulatory Commission or a party state, to produce or possess such waste. Generator does not include a person who provides a service by arranging for the collection, transportation, treatment, storage or disposal of wastes generated outside the region.

"h. 'Host state' means any state which is designated by the Commission to host a regional facility.

"i. 'Low-level radioactive waste' or 'waste' means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel or by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

"j. 'Management plan' means the plan adopted by the Commission for the storage, transportation, treatment and disposal of waste within the region.

"k. 'Party state' means any eligible state which enacts the compact into law.

"l. 'Person' means any individual, corporation, business enterprise or other legal entity either public or private and any legal successor, representative, agent or agency of that individual, corporation, business enterprise, or legal entity.

"m. 'Region' means the area of the party states.

"n. 'Regional facility' means a facility which is located within the region and which is established by a party state pursuant to designation of that state as a host state by the Commission.

"o. 'Site' means the geographic location of a facility.

"p. 'State' means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territorial possession of the United States.

"q. 'Storage' means the temporary holding of waste for treatment or disposal.

"r. 'Treatment' means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport or management, amenable to recovery, convertible to another usable material, or reduced in volume.

"s. 'Waste management' means the storage, transportation, treatment, or disposal of waste.

"ARTICLE III. THE COMMISSION

Midwest
Interstate Low-
Level
Radioactive
Waste
Commission,
establishment.

"a. There is hereby created the Midwest Interstate Low-Level Radioactive Waste Commission. The Commission consists of one voting member from each party state. The Governor of each party state shall notify the Commission in writing of its member and any alternates. An alternate may act on behalf of the member only in that member's absence. The method for selection and the expenses of each Commission member shall be the responsibility of the member's respective state.

Prohibition.

"b. Each Commission member is entitled to one vote. No action of the Commission is binding unless a majority of the total membership cast their vote in the affirmative.

"c. The Commission shall elect annually from among its members a chairperson. The Commission shall adopt and publish, in convenient form, bylaws, and policies which are not inconsistent with this compact, including procedures which substantially conform with the provisions of federal law on administrative procedure compiled at 5 U.S.C. 500 to 559 in regard to notice, conduct and recording of meetings; access by the public to records; provision of information to the public; conduct of adjudicatory hearings; and issuance of decisions.

d. The Commission shall meet at least once annually and shall meet upon the call of the chairperson or a Commission member.

e. All meetings of the Commission shall be open to the public with reasonable advance notice. The Commission may, by majority vote, close a meeting to the public for the purpose of considering sensitive personnel or legal strategy matters. However, all Commission actions and decisions shall be made in open meetings and appropriately recorded.

f. The Commission may establish advisory committees for the purpose of advising the Commission on any matters pertaining to waste management.

g. The office of the Commission shall be in a party state. The Commission may appoint or contract for and compensate such additional staff necessary to carry out its duties and functions. The staff shall serve at the Commission's pleasure with the exception of staff hired as the result of securing federal funds shall be hired and governed under applicable federal statutes and regulations. In selecting any staff, the Commission shall assure that the staff has adequate experience and formal training to carry out the functions assigned to it by the Commission.

Contracts.

h. The Commission may:

"1. Enter into an agreement with any person, state, or group of states for the right to use regional facilities for waste generated outside of the region and for the right to use facilities outside the region for waste generated within the region. The right of any person to use a regional facility for waste generated outside of the region requires an affirmative vote of a majority of the Commission, including the affirmative vote of the member of the host state in which any affected regional facility is located.

Contracts.

"2. Approve the disposal of waste generated within the region at a facility other than a regional facility.

"3. Appear as an intervenor or party in interest before any court of law or any federal, state or local agency, board or commission in any matter related to waste management. In order to represent its views, the Commission may arrange for any expert testimony, reports, evidence or other participation.

Reports.

"4. Review the emergency closure of a regional facility, determine the appropriateness of that closure, and take whatever actions are necessary to ensure that the interests of the region are protected.

"5. Take any action which is appropriate and necessary to perform its duties and functions as provided in this compact.

"6. Suspend the privileges or revoke the membership of a party state by a two-thirds vote of the membership in accordance with Article VIII.

i. The Commission shall:

"1. Receive and act on the petition of a nonparty state to become an eligible state.

"2. Submit an annual report to, and otherwise communicate with, the governors and the appropriate officers of the legislative bodies of the party states regarding the activities of the Commission.

Report.

"3. Hear, negotiate, and, as necessary, resolve by final decision disputes which may arise between the party states regarding this compact.

"4. Adopt and amend, by a two-thirds vote of the membership, in accordance with the procedures and criteria developed pursuant to Article IV, a regional management plan which designates host states for the establishment of needed regional facilities.

"5. Adopt an annual budget.

"j. Funding of the budget of the Commission shall be provided as follows:

"1. Each state, upon becoming a party state, shall pay \$50,000 or \$1,000 per cubic meter of waste shipped from that state in 1980, whichever is lower, to the Commission which shall be used for the administrative costs of the Commission;

"2. Each state hosting a regional facility shall levy surcharges on all users of the regional facility based upon its portion of the total volume and characteristics of wastes managed at that facility. The surcharges collected at all regional facilities shall:

"(a) Be sufficient to cover the annual budget of the Commission; and

"(b) Represent the financial commitments of all party states to the Commission; and

"(c) Be paid to the Commission, provided, however, that each host state collecting surcharges may retain a portion of the collection sufficient to cover its administrative costs of collection, and that the remainder be sufficient only to cover the approved annual budget of the Commission.

"k. The Commission shall keep accurate accounts of all receipts and disbursements. The Commission shall contract with an independent certified public accountant to annually audit all receipts and disbursements of Commission funds, and to submit an audit report to the Commission. The audit report shall be made a part of the annual report of the Commission required by this Article.

"l. The Commission may accept for any of its purposes and functions and may utilize and dispose of any donations, grants of money, equipment, supplies, materials and services from any state or the United States (or any subdivision or agency thereof), or interstate agency, or from any institution, person, firm or corporation. The nature, amount and condition, if any, attendant upon any donation or grant accepted or received by the Commission together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Commission.

"m. The Commission is not liable for any costs associated with any of the following:

"1. The licensing and construction of any facility,

"2. The operation of any facility,

"3. The stabilization and closure of any facility,

"4. The care of any facility,

"5. The extended institutional control, after care of any facility, or

"6. The transportation of waste to any facility.

"n. 1. The Commission is a legal entity separate and distinct from the party states and is liable for its actions as a separate and distinct legal entity. Liabilities of the Commission are not liabilities of the party states. Members of the Commission are not personally liable for actions taken by them in their official capacity.

"2. Except as provided under sections m. and n.1. of this article, nothing in this compact alters liability for any act, omission,

Contracts.
Audit.
Report.

Grants.

Report.

Transportation.

Prohibition.

course of conduct or liability resulting from any causal or other relationships.

(c) Any person aggrieved by a final decision of the Commission may obtain judicial review of such decision in any court of competent jurisdiction by filing in such court a petition for review within 60 days after the Commission's final decision.

"ARTICLE IV. REGIONAL MANAGEMENT PLAN

The Commission shall adopt a regional management plan designed to ensure the safe and efficient management of waste generated within the region. In adopting a regional waste management plan the Commission shall:

(a) Adopt procedures for determining, consistent with considerations for public health and safety, the type and number of regional facilities which are presently necessary and which are projected to be necessary to manage waste generated within the region.

Health.
Safety.

(b) Develop and consider policies promoting source reduction of waste generated within the region.

(c) Develop and adopt procedures and criteria for identifying a party state as a host state for a regional facility. In developing these criteria, the Commission shall consider all the following:

"1. The health, safety, and welfare of the citizens of the party states.

Health.
Safety.

"2. The existence of regional facilities within each party state.

"3. The minimization of waste transportation.

Transportation.

"4. The volumes and types of wastes generated within each party state.

"5. The environmental, economic, and ecological impacts on the air, land and water resources of the party states.

(d) Conduct such hearings, and obtain such reports, studies, evidence and testimony required by its approved procedures prior to identifying a party state as a host state for a needed regional facility.

Reports.
Studies.

(e) Prepare a draft management plan, including procedures, criteria and host states, including alternatives, which shall be made available in a convenient form to the public for comment. Upon the request of a party state, the Commission shall conduct a public hearing in that state prior to the adoption of the management plan. The management plan shall include the Commission's response to public and party state comment.

ARTICLE V. RIGHTS AND OBLIGATIONS OF PARTY STATES

(a) Each party state shall act in good faith in the performance of its rights and courses of conduct which are intended to ensure the provision of facilities for regional availability and usage in a manner consistent with this compact.

(b) Each party state has the right to have all wastes generated within its borders managed at regional facilities subject to the provisions contained in Article IX.

(c) All party states have an equal right of access to any facility made available to the region by any agreement entered into by the Commission pursuant to Article III.

Exports.

(d) Party states or generators may negotiate for the right of access to a facility outside the region and may export waste outside the region subject to Commission approval under Article III.

Regulations.
Transportation.
Prohibition.

"d. To the extent permitted by federal law, each party state may enforce any applicable federal and state laws, regulations and rules pertaining to the packaging and transportation of waste generated within or passing through its borders. Nothing in this section shall be construed to require a party state to enter into any agreement with the U.S. Nuclear Regulatory Commission.

"e. Each party state shall provide to the Commission any data and information the Commission requires to implement its responsibilities. Each party state shall establish the capability to obtain any data and information required by the Commission.

"ARTICLE VI. DEVELOPMENT AND OPERATION AND FACILITIES

"a. Any party state may volunteer to become a host state, and the Commission may designate that state as a host state upon a two-thirds vote of its members.

"b. If all regional facilities required by the regional management plan are not developed pursuant to section a., or upon notification that an existing regional facility will be closed, the Commission may designate a host state.

Prohibition.

"c. Each party state designated as a host state is responsible for determining possible facility locations within its borders. The selection of a facility site shall not conflict with applicable federal and host state laws, regulations and rules not inconsistent with this compact and shall be based on factors including, but not limited to, geological, environmental and economic viability of possible facility locations.

"d. Any party state designated as a host state may request the Commission to relieve that state of the responsibility to serve as a host state. The Commission may relieve a party state of this responsibility only upon a showing by the requesting party state that no feasible potential regional facility site of the type it is designated to host exists within its borders.

"e. After a state is designated a host state by the Commission, it is responsible for the timely development and operation of a regional facility.

"f. To the extent permitted by federal and state law, a host state shall regulate and license any facility within its borders and ensure the extended care of that facility.

"g. The Commission may designate a party state as a host state while a regional facility is in operation if the Commission determines that an additional regional facility is or may be required to meet the needs of the region. The Commission shall make this designation following the procedures established under Article IV.

"h. Designation of a host state is for a period of 20 years or the life of the regional facility which is established under that designation, whichever is longer. Upon request of a host state, the Commission may modify the period of its designation.

"i. A host state may establish a fee system for any regional facility within its borders. The fee system shall be reasonable and equitable. This fee system shall provide the host state with sufficient revenue to cover any cost, including but not limited to the planning, siting, licensure, operation, decommissioning, extended care and long-term liability, associated with such facilities. This fee system may also include reasonable revenue beyond costs incurred for the host state, subject to approval by the Commission. A host state shall submit an

Audit.

annual financial audit of the operation of the regional facility to the Commission. The fee system may include incentives for source reduction and may be based on the hazard of the waste as well as the volume.

"j. A host state shall ensure that a regional facility located within its borders which is permanently closed is properly decommissioned. A host state shall also provide for the care of a closed or decommissioned regional facility within its borders so that the public health and safety of the state and region are ensured.

Health.
Safety.

"k. A host state intending to close a regional facility located within its borders shall notify the Commission in writing of its intention and the reasons. Notification shall be given to the Commission at least five years prior to the intended date of closure. This section shall not prevent an emergency closing of a regional facility by a host state to protect its air, land and water resources and the health and safety of its citizens. However, a host state which as an emergency closing of a regional facility shall notify the Commission in writing within three working days of its action and shall, within 30 working days of its action, demonstrate justification for the closing.

Prohibition.

"l. If a regional facility closes before an additional or new facility becomes operational, waste generated within the region may be shipped temporarily to any location agreed on by the Commission until a regional facility is operational.

"m. A party state which is designated as a host state by the Commission and fails to fulfill its obligations as a host state may have its privileges under the compact suspended or membership in the compact revoked by the Commission.

"ARTICLE VII. OTHER LAWS AND REGULATIONS

"a. Nothing in this compact:

Prohibitions.

"1. Abrogates or limits the applicability of any act of Congress or diminishes or otherwise impairs the jurisdiction of any federal agency expressly conferred thereon by the Congress;

"2. Prevents the enforcement of any other law of a party state which is not inconsistent with this compact;

"3. Prohibits any storage or treatment of waste by the generator on its own premises;

"4. Affects any administrative or judicial proceeding pending on the effective date of this compact;

"5. Alters the relations between and the respective internal responsibility of the government of a party state and its subdivisions;

"6. Affects the generation, treatment, storage or disposal of waste generated by the atomic energy defense activities of the Secretary of the U.S. Department of Energy or successor agencies or federal research and development activities as described in section 31 of the Atomic Energy Act of 1954 (42 U.S.C. 2051); or

Research and
development.

"7. Affects the rights and powers of any party state or its political subdivisions to the extent not inconsistent with this compact, to regulate and license any facility or the transportation of waste within its borders or affects the rights and powers of any party state and its political subdivisions to tax or impose fees on the waste managed at any facility within its borders.

Transportation.
Taxes.

Contracts.

"8. Requires a party state to enter into any agreement with the U.S. Nuclear Regulatory Commission.

"9. Alters or limits liability of transporters of waste, owners and operators of sites for their acts, omissions, conduct or relationships in accordance with applicable laws.

"b. For purposes of this compact, all state laws or parts of laws in conflict with this compact are hereby superseded to the extent of the conflict.

Prohibition.
Regulations.

"c. No law, rule or regulation of a party state or of any of its subdivisions or instrumentalities may be applied in a manner which discriminates against the generators of another party state.

"ARTICLE VIII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION, ENTRY INTO FORCE, TERMINATION

Delaware.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Maryland.
Michigan.
Minnesota.
Missouri.
Nebraska.
North Dakota.
Ohio.
South Dakota.
Virginia.
Wisconsin.

"a. Eligible parties to this compact are the states of Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Virginia and Wisconsin. Eligibility terminates on July 1, 1984.

"b. Any state not eligible for membership in the compact may petition the Commission for eligibility. The Commission may establish appropriate eligibility requirements. These requirements may include but are not limited to, an eligibility fee or designation as a host state. A petitioning state becomes eligible for membership in the compact upon the approval of the Commission, including the affirmative vote of all host states. Any state becoming eligible upon the approval of the Commission becomes a member of the compact in the same manner as any state eligible for membership at the time this compact enters into force.

"c. An eligible state becomes a party state when the state enacts the compact into law and pays the membership fee required in Article III.j.1.

"d. The Commission is formed upon the appointment of Commission members and the tender of the membership fee payable to the Commission by three party states. The Governor of the first state to enact this compact shall convene the initial meeting of the Commission. The Commission shall cause legislation to be introduced in the Congress which grants the consent of the Congress to this compact, and shall take action necessary to organize the Commission and implement the provision of this compact.

Prohibition.

"e. Any party state may withdraw from this compact by repealing the authorizing legislation but no withdrawal may take effect until five years after the governor of the withdrawing state gives notice in writing of the withdrawal to the Commission and to the governor of each party state. Withdrawal does not affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal. Any host state which grants a disposal permit for waste generated in a withdrawing state shall void the permit when the withdrawal of that state is effective.

"f. Any party state which fails to comply with the terms of this compact or fails to fulfill its obligations may have its privileges suspended or its membership in the compact revoked by the Commission in accordance with Article III.h.6. Revocation takes effect one year from the date the affected party state receives written notice from the Commission of its action. All legal rights of the affected party state established under this compact cease upon the effective date of revocation but any legal obligations of that

party state arising prior to revocation continue until they are fulfilled. The chairperson of the Commission shall transmit written notice of a revocation of a party state's membership in the compact immediately following the vote of the Commission to the governor of the affected party state, all other governors of the party states and the Congress of the United States.

"g. This compact becomes effective upon enactment by at least three eligible states and consent to this compact by Congress. The Congress shall have an opportunity to withdraw such consent every five years. Failure of the Congress to affirmatively withdraw its consent has the effect of renewing consent for an additional five year period. The consent given to this compact by the Congress shall extend to any future admittance of new party states under sections b. and c. of this article and to the power of the Commission to ban the shipment of waste from the region pursuant to Article III.

"h. The withdrawal of a party state from this compact under section e. of this article or the suspension or revocation of a state's membership in this compact under section f. of this article does not affect the applicability of this compact to the remaining party states.

"i. A state which has been designated by the Commission to be a host state has 90 days from receipt by the Governor of written notice of designation to withdraw from the compact without any right to receive refund of any funds already paid pursuant to this compact, and without any further payment. Withdrawal becomes effective immediately upon notice as provided in section e. of this article. A designated host state which withdraws from the compact after 90 days and prior to fulfilling its obligations shall be assessed a sum the Commission determines to be necessary to cover the costs borne by the Commission and remaining party states as a result of that withdrawal.

"ARTICLE IX. PENALTIES

"a. Each party state shall prescribe and enforce penalties against any person who is not an official of another state for violation of any provision of this compact.

"b. Unless otherwise authorized by the Commission pursuant to Article III.h. after January 1, 1986, it is a violation of this compact:

"1. For any person to deposit at a regional facility waste not generated within the region;

"2. For any regional facility to accept waste not generated within the region;

"3. For any person to export from the region waste which is generated within the region; or

"4. For any person to dispose of waste at a facility other than a regional facility.

"c. Each party state acknowledges that the receipt by a host state of waste packaged or transported in violation of applicable laws, rules and regulations may result in the imposition of sanctions by the host state which may include suspension or revocation of the violator's right of access to the facility in the host state.

"d. Each party state has the right to seek legal recourse against any party state which acts in violation of this compact.

Effective date.

Exports.

Regulations.

“ARTICLE X. SEVERABILITY AND CONSTRUCTION

Provisions held
invalid.

“The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared by a court of competent jurisdiction to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If any provision of this compact shall be held contrary to the Constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.”.

42 USC 2021d
note.
Arizona.
Colorado.
Nevada.
New Mexico.
Utah.
Wyoming.

SEC. 226. ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE COMPACT.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress hereby is given to the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming to enter into the Rocky Mountain Interstate Low-Level Radioactive Waste Compact. Such compact is substantially as follows:

“ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE COMPACT

“ARTICLE I. FINDINGS AND PURPOSE

Research and
development.

“(a) The party states agree that each state is responsible for providing for the management of low-level radioactive waste generated within its borders, except for waste generated as a result of defense activities of the federal government or federal research and development activities. Moreover, the party states find that the United States Congress, by enacting the ‘Low-Level Radioactive Waste Policy Act’ (P. L. 96-573), has encouraged the use of interstate compacts to provide for the establishment and operation of facilities for regional management of low-level radioactive waste.

42 USC 2021b
note.

Health.
Safety.

“(b) It is the purpose of the party states, by entering into an interstate compact, to establish the means for cooperative effort in managing low-level radioactive waste; to ensure the availability and economic viability of sufficient facilities for the proper and efficient management of low-level radioactive waste generated within the region while preventing unnecessary and uneconomic proliferation of such facilities; to encourage reduction of the volume of low-level radioactive waste requiring disposal within the region; to restrict management within the region of low-level radioactive waste generated outside the region; to distribute the costs, benefits and obligations of low-level radioactive waste management equitably among the party states; and by these means to promote the health, safety and welfare of the residents within the region.

“ARTICLE II. DEFINITIONS

“As used in this compact, unless the context clearly indicates otherwise:

“(a) ‘Board’ means the Rocky Mountain low-level radioactive waste board;

“(b) ‘Carrier’ means a person who transports low-level waste;

“(c) ‘Disposal’ means the isolation of waste from the biosphere, with no intention of retrieval, such as by land burial;

“(d) ‘Facility’ means any property, equipment or structure used or to be used for the management of low-level waste;

“(e) ‘Generate’ means to produce low-level waste;

“(f) ‘Host state’ means a party state in which a regional facility is located or being developed;

“(g) ‘Low-level waste’ or ‘waste’ means radioactive waste other than:

“(i) Waste generated as a result of defense activities of the federal government or federal research and development activities;

“(ii) High-level waste such as irradiated reactor fuel, liquid waste from reprocessing irradiated reactor fuel, or solids into which any such liquid waste has been converted;

“(iii) Waste material containing transuranic elements with contamination levels greater than ten (10) nanocuries per gram of waste material;

“(iv) By-product material as defined in Section 11e(2) of the ‘Atomic Energy Act of 1954,’ as amended November 8, 1978; or

“(v) Wastes from mining, milling, smelting or similar processing of ores and mineral-bearing material primarily for minerals other than radium.

“(h) ‘Management’ means collection, consolidation, storage, treatment, incineration or disposal;

“(i) ‘Operator’ means a person who operates a regional facility;

“(j) ‘Person’ means an individual, corporation, partnership or other legal entity, whether public or private;

“(k) ‘Region’ means the combined geographic area within the boundaries of the party states; and

“(l) ‘Regional facility’ means a facility within any party state which either:

“(i) has been approved as a regional facility by the board; or

“(ii) is the low-level waste facility in existence on January 1, 1982, at Beatty, Nevada. Nevada.

“ARTICLE III. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS

“(a) There shall be regional facilities sufficient to manage the low-level waste generated within the region. At least one (1) regional facility shall be open and operating in a party state other than Nevada within six (6) years after this compact becomes law in Nevada and in one (1) other state. Nevada.

“(b) Low-level waste generated within the region shall be managed at regional facilities without discrimination among the party states; provided, however, that a host state may close a regional facility when necessary for public health or safety. Health. Safety.

“(c) Each party state which, according to reasonable projections made by the board, is expected to generate twenty percent (20%) or more in cubic feet except as otherwise determined by the board of the low-level waste generated within the region has an obligation to become a host state in compliance with subsection (d) of this article.

“(d) A host state, or a party state seeking to fulfill its obligation to become a host state, shall:

- Health.
Safety.
- “(i) Cause a regional facility to be developed on a timely basis as determined by the board, and secure the approval of such regional facility by the board as provided in Article IV before allowing site preparation or physical construction to begin;
- “(ii) Ensure by its own law, consistent with any applicable federal law, the protection and preservation of public health and safety in the siting, design, development, licensure or other regulation, operation, closure, decommissioning and long-term care of the regional facilities within the state;
- “(iii) Subject to the approval of the board, ensure that charges for management of low-level waste at the regional facilities within the state are reasonable;
- “(iv) Solicit comments from each other party state and the board regarding siting, design, development, licensure or other regulation, operation, closure, decommissioning and long-term care of the regional facilities within the state and respond in writing to such comments;
- Report.
- “(v) Submit an annual report to the board which contains projections of the anticipated future capacity and availability of the regional facilities within the state, together with other information required by the board; and
- Report.
- “(vi) Notify the board immediately if any exigency arises requiring the possible temporary or permanent closure of a regional facility within the state at a time earlier than was projected in the state's most recent annual report to the board;
- Nevada.
- “(e) Once a party state has served as a host state, it shall not be obligated to serve again until each other party state having such obligation under subsection (c) of this article has fulfilled the obligation. Nevada, already being a host state, shall not be obligated to serve again as a host state until every other party state has served.
- “(f) Each party state:
- Transportation.
Regulations.
- “(i) Agrees to adopt and enforce procedures requiring low-level waste shipments originating within its borders and destined for a regional facility to conform to packaging and transportation requirements and regulations. Such procedures shall include but are not limited to:
- “(A) Periodic inspection of packaging and shipping practices;
- “(B) Periodic inspections of waste containers while in custody of carriers; and
- “(C) Appropriate enforcement actions with respect to violations.
- Transportation.
Regulations.
- “(ii) Agrees that after receiving notification from a host state that a person in the party state has violated packaging, shipping or transportation requirements or regulations, it shall take appropriate action to ensure that violations do not recur. Appropriate action may include but is not limited to the requirement that a bond be posted by the violator to pay the cost of repackaging at the regional facility and the requirement that future shipments be inspected;
- “(iii) May impose fees to recover the cost of the practices provided for in paragraph (i) and (ii) of this subsection;
- “(iv) Shall maintain an inventory of all generators within the state that may have low-level waste to be managed at a regional facility; and

“(v) May impose requirements or regulations more stringent than those required by this subsection. Regulations.

“ARTICLE IV. BOARD APPROVAL OF REGIONAL FACILITIES

“(a) Within ninety (90) days after being requested to do so by a party state, the board shall approve or disapprove a regional facility to be located within that state.

“(b) A regional facility shall be approved by the board if and only if the board determines that:

“(i) There will be, for the foreseeable future, sufficient demand to render operation of the proposed facility economically feasible without endangering the economic feasibility of operation of any other regional facility; and

“(ii) The facility will have sufficient capacity to serve the needs of the region for a reasonable period of years.

“ARTICLE V. SURCHARGES

“(a) The board shall impose a ‘compact surcharge’ per unit of waste received at any regional facility. The surcharge shall be adequate to pay the costs and expenses of the board in the conduct of its authorized activities and may be increased or decreased as the board deems necessary.

“(b) A host state may impose a ‘state surcharge’ per unit of waste received at any regional facility within the state. The host state may fix and change the amount of the state surcharge subject to approval by the board. Money received from the state surcharge may be used by the host state for any purpose authorized by its own law, including but not limited to costs of licensure and regulatory activities related to the regional facility, reserves for decommissioning and long-term care of the regional facility and local impact assistance.

“ARTICLE VI. THE BOARD

“(a) The ‘Rocky Mountain low-level radioactive waste board’, which shall not be an agency or instrumentality of any party state, is created.

“(b) The board shall consist of one (1) member from each party state. The governor shall determine how and for what term its member shall be appointed, and how and for what term any alternate may be appointed to perform that member’s duties on the board in the member’s absence.

“(c) Each party state is entitled to one (1) vote. A majority of the board constitutes a quorum. Unless otherwise provided in this compact, a majority of the total number of votes on the board is necessary for the board to take any action.

“(d) The board shall meet at least once a year and otherwise as its business requires. Meetings of the board may be held in any place within the region deemed by the board to be reasonably convenient for the attendance of persons required or entitled to attend and where adequate accommodations may be found. Reasonable public notice and opportunity for comment shall be given with respect to any meeting; provided, however, that nothing in this subsection shall preclude the board from meeting in executive session when seeking legal advice from its attorneys or when discussing the employment, discipline or termination of any of its employees.

Rocky Mountain
Low-Level
Radioactive
Waste Board,
establishment.
Prohibition.

"(e) The board shall pay necessary travel and reasonable per diem expenses of its members, alternates, and advisory committee members.

"(f) The board shall organize itself for the efficient conduct of its business. It shall adopt and publish rules consistent with this compact regarding its organization and procedures. In special circumstances the board, with unanimous consent of its members, may take actions by telephone; provided, however, that any action taken by telephone shall be confirmed in writing by each member within thirty (30) days. Any action taken by telephone shall be noted in the minutes of the board.

"(g) The board may use for its purposes the services of any personnel or other resources which may be offered by any party state.

"(h) The board may establish its offices in space provided for that purpose by any of the party states, or, if space is not provided or is deemed inadequate, in any space within the region selected by the board.

Contracts.

"(i) Consistent with available funds, the board may contract for necessary personnel services to carry out its duties. Staff shall be employed without regard for the personnel, civil service, or merit system laws of any of the party states and shall serve at the pleasure of the board. The board may provide appropriate employee benefit programs for its staff.

"(j) The board shall establish a fiscal year which conforms to the extent practicable to the fiscal years of the party states.

Audit.
Report.

"(k) The board shall keep an accurate account of all receipts and disbursements. An annual audit of the books of the board shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the board.

Report.

"(l) The board shall prepare and include in the annual report a budget showing anticipated receipts and disbursements for the ensuing year.

"(m) Upon legislative enactment of this compact, each party state shall consider the need to appropriate seventy thousand dollars (\$70,000.00) to the board to support its activities prior to the collection of sufficient funds through the compact surcharge imposed pursuant to subsection (a) of article V of this compact.

Grants.

Report.

"(n) The board may accept any donations, grants, equipment, supplies, materials or services, conditional or otherwise, from any source. The nature, amount and condition, if any, attendant upon any donation, grant or other resources accepted pursuant to this subsection, together with the identity of the donor or grantor, shall be detailed in the annual report of the board.

"(o) In addition to the powers and duties conferred upon the board pursuant to other provisions of this compact, the board:

Report.

"(i) Shall submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the board, including an annual report to be submitted by December 15;

"(ii) May assemble and make available to the governments of the party states and to the public through its members information concerning low-level waste management needs, technologies and problems;

"(iii) Shall keep a current inventory of all generators within the region, based upon information provided by the party states;

“(iv) Shall keep a current inventory of all regional facilities, including information on the size, capacity, location, specific wastes capable of being managed and the projected useful life of each regional facility;

“(v) May keep a current inventory of all low-level waste facilities in the region, based upon information provided by the party states;

“(vi) Shall ascertain on a continuing basis the needs for regional facilities and capacity to manage each of the various classes of low-level waste;

“(vii) May develop a regional low-level waste management plan;

“(viii) May establish such advisory committees as it deems necessary for the purpose of advising the board on matters pertaining to the management of low-level waste;

“(ix) May contract as it deems appropriate to accomplish its duties and effectuate its powers, subject to its projected available resources; but no contract made by the board shall bind any party state;

Contracts.
Prohibition.

“(x) Shall make suggestions to appropriate officials of the party states to ensure that adequate emergency response programs are available for dealing with any exigency that might arise with respect to low-level waste transportation or management;

“(xi) Shall prepare contingency plans, with the cooperation and approval of the host state, for management of low-level waste in the event any regional facility should be closed;

“(xii) May examine all records of operators of regional facilities pertaining to operating costs, profits or the assessment or collection of any charge, fee or surcharge;

Records.

“(xiii) Shall have the power to sue; and

“(xiv) When authorized by unanimous vote of its members, may intervene as of right in any administrative or judicial proceeding involving low-level waste.

“ARTICLE VII. PROHIBITED ACTS AND PENALTIES

“(a) It shall be unlawful for any person to dispose of low-level waste within the region, except at a regional facility; provided, however, that a generator who, prior to January 1, 1982, had been disposing of only his own waste on his own property may, subject to applicable federal and state law, continue to do so.

“(b) After January 1, 1986, it shall be unlawful for any person to export low-level waste which was generated within the region outside the region unless authorized to do so by the board. In determining whether to grant such authorization, the factors to be considered by the board shall include, but not be limited to, the following:

Exports.

“(i) The economic impact of the export of the waste on the regional facilities;

“(ii) The economic impact on the generator of refusing to permit the export of the waste; and

“(iii) The availability of a regional facility appropriate for the disposal of the waste involved.

“(c) After January 1, 1986, it shall be unlawful for any person to manage any low-level waste within the region unless the waste was generated within the region or unless authorized to do so both by the board and by the state in which said management takes place.

In determining whether to grant such authorization, the factors to be considered by the board shall include, but not be limited to, the following:

Imports.

“(i) the impact of importing waste on the available capacity and projected life of the regional facilities;

“(ii) the economic impact on the regional facilities; and

“(iii) the availability of a regional facility appropriate for the disposal of the type of waste involved.

“(d) It shall be unlawful for any person to manage at a regional facility any radioactive waste other than low-level waste as defined in this compact, unless authorized to do so both by the board and the host state. In determining whether to grant such authorization, the factors to be considered by the board shall include, but not be limited to, the following:

“(i) the impact of allowing such management on the available capacity and projected life of the regional facilities;

“(ii) the availability of a facility appropriate for the disposal of the type of waste involved;

“(iii) the existence of transuranic elements in the waste; and

“(iv) the economic impact on the regional facilities.

“(e) Any person who violates subsection (a) or (b) of this article shall be liable to the board for a civil penalty not to exceed ten (10) times the charges which would have been charged for disposal of the waste at a regional facility.

“(f) Any person who violates subsection (c) or (d) of this article shall be liable to the board for a civil penalty not to exceed ten (10) times the charges which were charged for management of the waste at a regional facility.

“(g) The civil penalties provided for in subsections (e) and (f) of this article may be enforced and collected in any court of general jurisdiction within the region where necessary jurisdiction is obtained by an appropriate proceeding commenced on behalf of the board by the attorney general of the party state wherein the proceeding is brought or by other counsel authorized by the board. In any such proceeding, the board, if it prevails, is entitled to recover reasonable attorney's fees as part of its costs.

“(h) Out of any civil penalty collected for a violation of subsection (a) or (b) of this article, the board shall pay to the appropriate operator a sum sufficient in the judgment of the board to compensate the operator for any loss of revenue attributable to the violation. Such compensation may be subject to state and compact surcharges as if received in the normal course of the operator's business. The remainder of the civil penalty collected shall be allocated by the board. In making such allocation, the board shall give first priority to the needs of the long-term care funds in the region.

“(i) Any civil penalty collected for a violation of subsection (c) or (d) of this article shall be allocated by the board. In making such allocation, the board shall give first priority to the needs of the long-term care funds in the region.

“(j) Violations of subsection (a), (b), (c), or (d) of this article may be enjoined by any court of general jurisdiction within the region where necessary jurisdiction is obtained in any appropriate proceeding commenced on behalf of the board by the attorney general of the party state wherein the proceeding is brought or by other counsel authorized by the board. In any such proceeding, the board, if it

evails, is entitled to recover reasonable attorney's fees as part of costs.

(k) No state attorney general shall be required to bring any proceeding under any subsection of this article, except upon his consent.

Prohibition.

ARTICLE VIII. ELIGIBILITY, ENTRY INTO EFFECT, CONGRESSIONAL CONSENT, WITHDRAWAL, EXCLUSION

(a) Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming are eligible to become parties to this compact. Any other state may be made eligible by unanimous consent of the board.

Arizona.
Colorado.
Nevada.
New Mexico.
Utah.
Wyoming.

(b) An eligible state may become a party state by legislative enactment of this compact or by executive order of its governor adopting this compact; provided, however, a state becoming a party by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened thereafter, unless before such adjournment the legislature shall have enacted this compact.

(c) This compact shall take effect when it has been enacted by the legislatures of two (2) eligible states. However, subsections (b) and (c) of article VII shall not take effect until Congress has by law assented to this compact. Every five (5) years after such consent has been given, Congress may by law withdraw its consent.

Effective date.

(d) A state which has become a party state by legislative enactment may withdraw by legislation repealing its enactment of this compact; but no such repeal shall take effect until two (2) years after enactment of the repealing legislation. If the withdrawing state is a host state, any regional facility in that state shall remain available to receive low-level waste generated within the region until five (5) years after the effective date of the withdrawal; provided, however, this provision shall not apply to the existing facility in Beatty, Nevada.

Nevada.

(e) A party state may be excluded from this compact by a two-thirds ($\frac{2}{3}$) vote of the members representing the other party states, acting in a meeting, on the ground that the state to be excluded has failed to carry out its obligation under this compact. Such an exclusion may be terminated upon a two-thirds ($\frac{2}{3}$) vote of the members acting in a meeting.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

(a) The provisions of this compact shall be broadly construed to carry out the purposes of the compact.

(b) Nothing in this compact shall be construed to affect any judicial proceeding pending on the effective date of this compact.

Prohibition.

(c) If any part or application of this compact is held invalid, the remainder, or its application to other situations or persons, shall not be affected."

Provisions held invalid.

C. 227. NORTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT.

42 USC 2021d note.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act, the consent of the Congress is hereby given to the States of Connecticut, New Jersey, Delaware, and Maryland to enter into the Northeast Interstate Low-Level Radioactive Waste Management Compact. Such compact is substantially as follows:

Connecticut.
New Jersey.
Delaware.
Maryland.
42 USC 2021d.

“ARTICLE I. POLICY AND PURPOSE

Research and
development.

42 USC 2021b
note.

Health.
Safety.

“There is hereby created the Northeast Interstate Low-Level Radioactive Waste Management Compact. The party states recognize that the Congress has declared that each state is responsible for providing for the availability of capacity, either within or outside its borders, for disposal of low-level radioactive waste generated within its borders, except for waste generated as a result of atomic energy defense activities of the federal government, as defined in the Low-Level Radioactive Waste Policy Act (P.L. 96-573, ‘The Act’), or federal research and development activities. They also recognize that the management of low-level radioactive waste is handled most efficiently on a regional basis. The party states further recognize that the Congress of the United States, by enacting the Act has provided for and encouraged the development of regional low-level radioactive waste compacts to manage such waste. The party states recognize that the long-term, safe and efficient management of low-level radioactive waste generated within the region requires that sufficient capacity to manage such waste be properly provided.

“In order to promote the health and safety of the region, it is the policy of the party states to: enter into a regional low-level radioactive waste management compact as a means of facilitating an interstate cooperative effort, provide for proper transportation of low-level waste generated in the region, minimize the number of facilities required to effectively and efficiently manage low-level radioactive waste generated in the region, encourage the reduction of the amounts of low-level waste generated in the region, distribute the costs, benefits, and obligations of proper low-level radioactive waste management equitably among the party states, and ensure the environmentally sound and economical management of low-level radioactive waste.

“ARTICLE II. DEFINITIONS

“As used in this compact, unless the context clearly requires a different construction:

“a. ‘commission’ means the Northeast Interstate Low-Level Radioactive Waste Commission established pursuant to Article IV of this compact;

“b. ‘custodial agency’ means the agency of the government designated to act on behalf of the government owner of the regional facility;

“c. ‘disposal’ means the isolation of low-level radioactive waste from the biosphere inhabited by man and his food chains;

“d. ‘facility’ means a parcel of land, together with the structures, equipment and improvements thereon or appurtenant thereto, which is used or is being developed for the treatment, storage or disposal of low-level waste, but shall not include on-site treatment or storage by a generator;

“e. ‘generator’ means a person who produces or processes low-level waste, but does not include persons who only provide a service by arranging for the collection, transportation, treatment, storage or disposal of wastes generated outside the region;

“f. ‘high-level waste’ means 1) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission

products in sufficient concentration; and 2) any other highly radioactive material determined by the federal government as requiring permanent isolation;

“g. ‘host state’ means a party state in which a regional facility is located or being developed;

“h. ‘institutional control’ means the continued observation, monitoring, and care of the regional facility following transfer of control of the regional facility from the operator to the custodial agency;

“i. ‘low-level waste’ means radioactive waste that 1) is neither high-level waste nor transuranic waste, nor spent nuclear fuel, nor by-product material as defined in section 11e (2) of the Atomic Energy Act of 1954 as amended; and 2) is classified by the federal government as low-level waste, consistent with existing law; but does not include waste generated as a result of atomic energy defense activities of the federal government, as defined in P.L. 96-573, or federal research and development activities;

“j. ‘party state’ means any state which is a signatory party in good standing to this compact;

“k. ‘person’ means an individual, corporation, business enterprise or other legal entity, either public or private and their legal successors;

“l. ‘post-closure observation and maintenance’ means the continued monitoring of a closed regional facility to ensure the integrity and environmental safety of the site through compliance with applicable licensing and regulatory requirements; prevention of unwarranted intrusion, and correction of problems;

“m. ‘region’ means the entire area of the party states;

“n. ‘regional facility’ means a facility as defined in this section which has been designated or accepted by the Commission;

“o. ‘state’ means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any other territory subject to the laws of the United States;

“p. ‘storage’ means the holding of waste for treatment or disposal;

“q. ‘transuranic waste’ means waste material containing radionuclides with an atomic number greater than 92 which are excluded from shallow land burial by the federal government;

“r. ‘treatment’ means any method, technique or process, including storage for decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render such waste safer for transport or disposal, amenable for recovery, convertible to another usable material or reduced in volume;

“s. ‘waste’ means low-level radioactive waste as defined in this section;

“t. ‘waste management’ means the storage, treatment, transportation, and disposal, where applicable, of waste.

“ARTICLE III. RIGHTS AND OBLIGATIONS

a. There shall be provided within the region one or more regional facilities which, together with such other facilities as may be made

available to the region, will provide sufficient capacity to manage all wastes generated within the region.

Prohibition.
Exports.

"1. Regional facilities shall be entitled to waste generated within the region, unless otherwise provided by the Commission. To the extent regional facilities are available, no waste generated within a party state shall be exported to facilities outside the region unless such exportation is approved by the Commission and the affected host state(s).

Prohibition.

"2. After January 1, 1986, no person shall deposit at a regional facility waste generated outside the region, and further, no regional facility shall accept waste generated outside the region, unless approved by the Commission and the affected host state(s).

"b. The rights, responsibilities and obligations of each party state to this compact are as follows:

Transportation.
Regulations.

"1. Each party state shall have the right to have all wastes generated within its borders managed at regional facilities, and shall have the right of access to facilities made available to the region through agreements entered into by the Commission pursuant to Article IV(i)(11). The right of access by a generator within a party state to any regional facility is limited by the generator's adherence to applicable state and federal laws and regulations and the provisions of this compact.

"2. To the extent not prohibited by federal law, each party state shall institute procedures which will require shipments of low-level waste generated within or passing through its borders to be consistent with applicable federal packaging and transportation regulations and applicable host state packaging and transportation regulations for management of low-level waste; provided, however, that these practices shall not impose unreasonable, burdensome impediments to the management of low-level waste in the region. Upon notification by a host state that a generator, shipper, or carrier within the party state is in violation of applicable packaging or transportation regulations, the party state shall take appropriate action to ensure that such violations do not recur.

"3. Each party state may impose reasonable fees upon generators, shippers, or carriers to recover the cost of inspections and other practices under this compact.

"4. Each party state shall encourage generators within its borders to minimize the volumes of waste requiring disposal.

"5. Each party state has the right to rely on the good faith performance by every other party state of acts which ensure the provision of facilities for regional availability and their use in a manner consistent with this compact.

"6. Each party state shall provide to the Commission any data and information necessary for the implementation of the Commission's responsibilities, and shall establish the capability to obtain any data and information necessary to meet its obligation as herein defined.

"7. Each party state shall have the capability to host a regional facility in a timely manner and to ensure the post-closure observation and maintenance, and institutional control of any regional facility within its borders.

Prohibition.
Transportation.

"8. No non-host party state shall be liable for any injury to persons or property resulting from the operation of a regional facility or the transportation of waste to a regional facility;

however, if the host state itself is the operator of the regional facility, its liability shall be that of any private operator.

"c. The rights, responsibilities and obligations of a host state are as follows:

"1. To the extent not prohibited by federal law, a host state shall ensure the timely development and the safe operation, closure, post-closure observation and maintenance, and institutional control of any regional facility within its borders.

"2. In accordance with procedures established in Articles V and IX, the host state shall provide for the establishment of a reasonable structure of fees sufficient to cover all costs related to the development, operation, closure, post-closure observation and maintenance, and institutional control of a regional facility. It may also establish surcharges to cover the regulatory costs, incentives, and compensation associated with a regional facility; provided, however, that without the express approval of the Commission, no distinction in fees or surcharges shall be made between persons of the several states party to this compact.

Prohibition.

"3. To the extent not prohibited by federal law, a host state may establish requirements and regulations pertaining to the management of waste at a regional facility; provided, however, that such requirements shall not impose unreasonable impediments to the management of low-level waste within the region. Nor may a host state or a subdivision impose such restrictive requirements on the siting or operation of a regional facility that, along or as a whole, they serve as unreasonable barriers or prohibitions to the siting or operation of such a facility.

Regulations.
Prohibition.

"4. Each host state shall submit to the Commission annually a report concerning each operating regional facility within its borders. The report shall contain projections of the anticipated future capacity and availability of the regional facility, a financial audit of its operations, and other information as may be required by the Commission; and in the case of regional facilities in institutional control or otherwise no longer operating, the host states shall furnish such information as may be required on the facilities still subject to their jurisdiction.

Report.

Audit.

"5. A host state shall notify the Commission immediately if any exigency arises which requires the permanent, temporary, or possible closure of any regional facility located therein at a time earlier than projected in its most recent annual report to the Commission. The Commission may conduct studies, hold hearings, or take such other measures to ensure that the actions taken are necessary and compatible with the obligations of the host state under this compact.

Report.

Studies.

"ARTICLE IV. THE COMMISSION

"a. There is hereby created the Northeast Interstate Low-Level Radioactive Waste Commission. The Commission shall consist of one member from each party state to be appointed by the Governor according to procedures of each party state, except that a host state shall have two members during the period that it has an operating regional facility. The Governor shall notify the Commission in writing of the identity of the member and one alternate, who may act on behalf of the member only in the member's absence.

Northeast
Interstate Low-
Level
Radioactive
Waste
Commission,
establishment.

Prohibition.

"b. Each Commission member shall be entitled to one vote. No action of the Commission shall be binding unless a majority of the total membership cast their vote in the affirmative.

Regulations.

"c. The Commission shall elect annually from among its members a presiding officer and such other officers as it deems appropriate. The Commission shall adopt and publish, in convenient form, such rules and regulations as are necessary for due process in the performance of its duties and powers under this compact.

"d. The Commission shall meet at least once a year and shall also meet upon the call of the presiding officer, or upon the call of a party state member.

"e. All meetings of the Commission shall be open to the public with reasonable prior public notice. The Commission may, by majority vote, close a meeting to the public for the purpose of considering sensitive personnel or legal matters. All Commission actions and decisions shall be made in open meetings and appropriately recorded. A roll call vote may be required upon request of any party state or the presiding officer.

"f. The Commission may establish such committees as it deems necessary.

Contracts.

"g. The Commission may appoint, contract for, and compensate such limited staff as it determines necessary to carry out its duties and functions. The staff shall serve at the Commission's pleasure irrespective of the civil service, personnel or other merit laws of any of the party states or the federal government and shall be compensated from funds of the Commission.

"h. The Commission shall adopt an annual budget for its operations.

"i. The Commission shall have the following duties and powers:

"1. The Commission shall receive and act on the application of a non-party state to become an eligible state in accordance with Article VII(e).

"2. The Commission shall receive and act on the application of an eligible state to become a party state in accordance with Article VII(b).

Report.

"3. The Commission shall submit an annual report to and otherwise communicate with the governors and the presiding officer of each body of the legislature of the party states regarding the activities of the Commission.

"4. Upon request of party states, the Commission shall mediate disputes which arise between the party states regarding this compact.

"5. The Commission shall develop, adopt and maintain a regional management plan to ensure safe and effective management of waste within the region, pursuant to Article V.

Report.
Studies.

"6. The Commission may conduct such legislative or adjudicatory hearings, and require such reports, studies, evidence and testimony as are necessary to perform its duties and functions.

Regulation.

"7. The Commission shall establish by regulation, after public notice and opportunity for comment, such procedural regulations as deemed necessary to ensure efficient operation, the orderly gathering of information, and the protection of the rights of due process of affected persons.

"8. In accordance with the procedures and criteria set forth in Article V, the Commission shall accept a host state's proposed facility as a regional facility.

"9. In accordance with the procedures and criteria set forth in Article V, the Commission may designate, by a two-thirds vote, host states for the establishment of needed regional facilities. The Commission shall not exercise this authority unless the party states have failed to voluntarily pursue the development of such facilities.

Prohibition.

"10. The Commission may require of and obtain from party states, eligible states seeking to become party states, and non-party states seeking to become eligible states, data and information necessary for the implementation of Commission responsibilities.

"11. The Commission may enter into agreements with any person, state, regional body, or group of states for the importation of waste into the region and for the right of access to facilities outside the region for waste generated within the region. Such authorization to import requires a two-thirds majority vote of the Commission, including an affirmative vote of the representatives of the host state in which any affected regional facility is located. This shall be done only after the Commission and the host state have made an assessment of the affected facilities' capability to handle such wastes and of relevant environmental, economic, and public health factors, as defined by the appropriate regulatory authorities.

Contracts.
Imports.

"12. The Commission may, upon petition, grant an individual generator or group of generators in the region the right to export wastes to a facility located outside the region. Such grant of right shall be for a period of time and amount of waste and on such other terms and conditions as determined by the Commission and approved by the affected host states.

Exports.

"13. The Commission may appear as an intervenor or party in interest before any court of law, federal, state or local agency, board or commission that has jurisdiction over the management of wastes. Such authority to intervene or otherwise appear shall be exercised only after a two-thirds vote of the Commission. In order to represent its views, the Commission may arrange for any expert testimony, reports, evidence or other participation as it deems necessary.

Report.

"14. The Commission may impose sanctions, including but not limited to, fines, suspension of privileges and revocation of the membership of a party state in accordance with Article VII. The Commission shall have the authority to revoke, in accordance with Article VII(g), the membership of a party state that creates unreasonable barriers to the siting of a needed regional facility or refuses to accept host state responsibilities upon designation by the Commission.

"15. The Commission shall establish by regulation criteria for and shall review the fee and surcharge systems in accordance with Articles V and IX.

Regulation.

"16. The Commission shall review the capability of party states to ensure the siting, operation, post-closure observation and maintenance, and institutional control of any facility within its borders.

"17. The Commission shall review the compact legislation every five years prior to federal congressional review provided for in the Act, and may recommend legislative action.

"18. The Commission has the authority to develop and provide to party states such rules, regulations and guidelines as it deems appropriate for the efficient, consistent, fair and reasonable implementation of the compact.

Regulations.

"j. There is hereby established a Commission operating account. The Commission is authorized to expend monies from such account for the expenses of any staff and consultants designated under section (g) of this Article and for official Commission business. Financial support of the Commission account shall be provided as follows:

"1. Each eligible state, upon becoming a party state, shall pay \$70,000 to the Commission, which shall be used for administrative cost of the Commission.

"2. The Commission shall impose a 'commission surcharge' per unit of waste received at any regional facility as provided in Article V.

"3. Until such time as at least one regional facility is in operation and accepting waste for management, or to the extent that revenues under paragraphs (1) and (2) of this section are unavailable or insufficient to cover the approved annual budget of the Commission, each party state shall pay an apportioned amount of the difference between the funds available and the total budget in accordance with the following formula:

"(a) 20 percent in equal shares;

"(b) 30 percent in the proportion that the population of the party state bears to the total population of all party states, according to the most recent U.S. census;

"(c) 50 percent in the proportion that the waste generated for management in each party state bears to the total waste generated for management in the region for the most recent calendar year in which reliable data are available, as determined by the Commission.

"k. The Commission shall keep accurate accounts of all receipts and disbursements. An independent certified public accountant shall annually audit all receipts and disbursements of Commission accounts and funds and submit an audit report to the Commission. Such audit report shall be made a part of the annual report of the Commission required by Article IV(i)(3).

"l. The Commission may accept, receive, utilize and dispose for any of its purposes and functions any and all donations, loans, grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation. The nature, amount and condition, if any, attendant upon any donation, loans, or grant accepted pursuant to this paragraph, together with the identity of the donor, grantor, or lender, shall be detailed in the annual report of the Commission. The Commission shall by rule establish guidelines for the acceptance of donations, loans, grants of money, equipment, supplies, materials and services. This shall provide that no donor, grantor or lender may derive unfair or unreasonable advantage in any proceeding before the Commission.

"m. The Commission herein established is a body corporate and politic, separate and distinct from the party states and shall be so liable for its own actions. Liabilities of the Commission shall not be deemed liabilities of the party states, nor shall members of the Commission be personally liable for action taken by them in their official capacity.

"1. The Commission shall not be responsible for any costs or expenses associated with the creation, operation, closure, post-closure observation and maintenance, and institutional control of any regional facility, or any associated regulatory activities of the party states.

Audit.
Report.

Loans.
Grants.

Report.

Prohibitions.

"2. Except as otherwise provided herein, this compact shall not be construed to alter the incidence of liability of any kind for any act, omission, or course of conduct. Generators, shippers and carriers of wastes, and owners and operators of sites shall be liable for their acts, omissions, conduct, or relationships in accordance with all laws relating thereto.

"n. The United States district courts in the District of Columbia shall have original jurisdiction of all actions brought by or against the Commission. Any such action initiated in a state court shall be removed to the designated United States district court in the manner provided by Act of June 25, 1948 as amended (28 U.S.C. 1446). This section shall not alter the jurisdiction of the United States Court of Appeals for the District of Columbia Circuit to review the final administrative decisions of the Commission as set forth in the paragraph below.

Courts, U.S.
District of
Columbia.

Prohibition.

"o. The United States Court of Appeals for the District of Columbia Circuit shall have jurisdiction to review the final administrative decisions of the Commission.

Courts, U.S.

"1. Any person aggrieved by a final administrative decision may obtain review of the decision by filing a petition for review within 60 days after the Commission's final decision.

"2. In the event that review is sought of the Commission's decision relative to the designation of a host state, the Court of Appeals shall accord the matter an expedited review, and, if the Court does not rule within 90 days after a petition for review has been filed, the Commission's decision shall be deemed to be affirmed.

"3. The courts shall not substitute their judgment for that of the Commission as to the decisions of policy or weight of the evidence on questions of fact. The Court may affirm the decision of the Commission or remand the case for further proceedings if it finds that the petitioners has been aggrieved because the finding, inferences, conclusions or decisions of the Commission are:

Prohibition.

"a. in violation of the Constitution of the United States;

"b. in excess of the authority granted to the Commission by this compact;

"c. made upon unlawful procedure to the detriment of any person;

"d. arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

"4. The Commission shall be deemed to be acting in a legislative capacity except in those instances where it decides, pursuant to its rules and regulations, that its determinations are adjudicatory in nature.

Regulations.

"ARTICLE V. HOST STATE SELECTION AND DEVELOPMENT AND OPERATION OF REGIONAL FACILITIES

"a. The Commission shall develop, adopt, maintain, and implement a regional management plan to ensure the safe and efficient management of waste within the region. The plan shall include the following:

"1. a current inventory of all generators within the region;

"2. a current inventory of all facilities within the region, including information on the size, capacity, location, specific waste being handled, and projected useful life of each facility;

Health.
Safety.

"3. consistent with considerations for public health and safety as defined by appropriate regulatory authorities, a determination of the type and number of regional facilities which are presently necessary and projected to be necessary to manage waste generated within the region;

"4. reference guidelines, as defined by appropriate regulatory authorities, for the party states for establishing the criteria and procedures to evaluate locations for regional facilities.

"b. The Commission shall develop and adopt criteria and procedures for reviewing a party state which volunteers to host a regional facility within its borders. These criteria shall be developed with public notice and shall include the following factors: the capability of the volunteering party state to host a regional facility in a timely manner and to ensure its post-closure observation and maintenance, and institutional control; and the anticipated economic feasibility of the proposed facility.

"1. Any party state may volunteer to host a regional facility within its borders. The Commission may set terms and conditions to encourage a party state to volunteer to be the first host state.

"2. Consistent with the review required above, the Commission shall, upon a two-thirds affirmative vote, designate a volunteering party state to serve as a host state.

"c. If all regional facilities required by the regional management plan are not developed pursuant to section (b), or upon notification that an existing facility will be closed, or upon determination that an additional regional facility is or may be required, the Commission shall convene to consider designation of a host state.

"1. The Commission shall develop and adopt procedures for designating a party state to be a host state for a regional facility. The Commission shall base its decision on the following criteria:

"a. the health, safety and welfare of citizens of the party states as defined by the appropriate regulatory authorities;

"b. the environmental, economic, and social effects of a regional facility on the party states;

The Commission shall also base its decision on the following criteria:

"c. economic benefits and costs;

"d. the volumes and types of waste generated within each party state;

"e. the minimization of waste transportation; and

"f. the existence of regional facilities within the party states.

"2. Following its established criteria and procedures, the Commission shall designate by a two-thirds affirmative vote a party state to serve as a host state. A current host state shall have the right of first refusal for a succeeding regional facility.

"3. The Commission shall conduct such hearings and studies, and take such evidence and testimony as is required by its approved procedures prior to designating a host state. Public hearings shall be held upon request in each candidate host state prior to final evaluation and selection.

"4. A party state which has been designated as a host state by the Commission and which fails to fulfill its obligations as a host state may have its privileges under the compact suspended or membership in the compact revoked by the Commission.

"d. Each host state shall be responsible for the timely identification of a site and the timely development and operation of a regional

Health.
Safety.

Transportation.

Studies.

cility. The proposed facility shall meet geologic, environmental and economic criteria which shall not conflict with applicable federal and host state laws and regulations.

"1. To the extent not prohibited by federal law, a host state may regulate and license any facility within its borders.

"2. To the extent not prohibited by Federal law, a host state shall ensure the safe operation, closure, post-closure observation and maintenance, and institutional control of a facility, including adequate financial assurances by the operator and adequate emergency response procedures. It shall periodically review and report to the Commission on the status of the post-closure and institutional control funds and the remaining useful life of the facility.

Report.

"3. A host state shall solicit comments from each party state and the Commission regarding the siting, operation, financial assurances, closure, post-closure observation and maintenance, and institutional control of a regional facility.

"e. A host state intending to close a regional facility within its borders shall notify the Commission in writing of its intention and reasons therefore.

"1. Except as otherwise provided, such notification shall be given to the Commission at least five years prior to the scheduled date of closure.

"2. A host state may close a regional facility within its borders in the event of an emergency or if a condition exists which constitutes a substantial threat to public health and safety. A host state shall notify the Commission in writing within three days of its action and shall, within 30 working days, show justification for the closing.

Health.
Safety.

"3. In the event that a regional facility closes before an additional or new facility becomes operational, the Commission shall make interim arrangements for the storage or disposal of waste generated within the region until such time that a new regional facility is operational.

"f. Fees and surcharges shall be imposed equitably upon all users of a regional facility, based upon criteria established by the Commission.

"1. A host state shall, according to its lawful administrative procedures, approve fee schedules to be charged to all users of the regional facility within its borders. Except as provided herein, such fee schedules shall be established by the operator of a regional facility, under applicable state regulations, and shall be reasonable and sufficient to cover all costs related to the development, operation, closure, post-closure observation and maintenance, institutional control of the regional facility. The host state shall determine a schedule for contributions to the post-closure observation and maintenance, and institutional control funds. Such fee schedules shall not be approved unless the Commission has been given reasonable opportunity to review and make recommendations on the proposed fee schedules.

Regulations.

"2. A host state may, according to its lawful administrative procedures, impose a state surcharge per unit of waste received at any regional facility within its borders. The state surcharge shall be in addition to the fees charged for waste management. The surcharge shall be sufficient to cover all reasonable costs associated with administration and regulation of the facility. The surcharge shall not be established unless the Commission has been provided reasonable opportunity to review and make

Regulation.

recommendations on the proposed state surcharge.

"3. The Commission shall impose a commission surcharge per unit of waste received at any regional facility. The total monies collected shall be adequate to pay the costs and expenses of the Commission and shall be remitted to the Commission on a timely basis as determined by the Commission. The surcharge may be increased or decreased as the Commission deems necessary.

"4. Nothing herein shall be construed to limit the ability of the host state, or the political subdivision in which the regional facility is situated, to impose surcharges for purposes including, but not limited to, host community compensation and host community development incentives. Such surcharges shall be reasonable and shall not be imposed unless the Commission has been provided reasonable opportunity to review and make recommendations on the proposed surcharge. Such surcharge may be recovered through the approved fee and surcharge schedules provided for in this section.

"ARTICLE VI. OTHER LAWS AND REGULATIONS

Prohibition. "a. Nothing in this compact shall be construed to abrogate or limit the regulatory responsibility or authority of the U.S. Nuclear Regulatory Commission or of an Agreement State under Section 274 of the Atomic Energy Act of 1954, as amended.

42 USC 2021. "b. The laws or portions of those laws of a party state that are not inconsistent with this compact remain in full force.

Prohibition. "c. Nothing in this compact shall make unlawful the continued development and operation of any facility already licensed for development or operation on the date this compact becomes effective.

Prohibition. "d. No judicial or administrative proceeding pending on the effective date of the compact shall be affected by the compact.

Prohibition. "e. Except as provided for in Article III(b)(2) and (c)(3), this compact shall not affect the relations between and the respective internal responsibilities of the government of a party state and its subdivisions.

Research and development. "f. The generation, treatment, storage, transportation, or disposal of waste generated by the atomic energy defense activities of the federal government, as defined in P.L. 96-573, or federal research and development activities are not affected by this compact.

42 USC 2021b note. "g. To the extent that the rights and powers of any state or political subdivision to license and regulate any facility within its borders and to impose taxes, fees, and surcharges on the waste managed at that regional facility do not operate as an unreasonable impediment to the transportation, treatment or disposal of waste, such rights and powers shall not be diminished by this compact.

Taxes. "h. No party state shall enact any law or regulation or attempt to enforce any measure which is inconsistent with this compact. Such measures may provide the basis for the Commission to suspend or terminate a party state's membership and privileges under this compact.

Transportation. "i. All laws and regulations, or parts thereof of any party state or subdivision or instrumentality thereof which are inconsistent with this compact are hereby repealed and declared null and void. Any legal right, obligation, violation or penalty arising under such laws or regulations prior to the enactment of this compact, or not in conflict with it, shall not be affected.

Prohibition. "j. Subject to Article III(c)(2), no law or regulation of a party state

or subdivision or instrumentality thereof may be applied so as to restrict or make more costly or inconvenient access to any regional facility by the generators of another party state than for the generators of the state where the facility is situated.

"k. No law, ordinance, or regulation of any party state or any subdivision or instrumentality thereof shall prohibit, suspend, or unreasonably delay, limit or restrict the operation of a siting or licensing agency in the designation, siting, or licensing of a regional facility. Any such provision in existence at the time of ratification of this compact is hereby repealed.

Prohibition.

ARTICLE VII. ELIGIBLE PARTIES, WITHDRAWAL, REVOCATION, ENTRY INTO FORCE, TERMINATION

"a. The initially eligible parties to this compact shall be the eleven states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Initial eligibility will expire June 30, 1984.

Connecticut.
Delaware.
Maine.
Maryland.
Massachusetts.
New Hampshire.
New Jersey.
New York.
Pennsylvania.
Rhode Island.
Vermont.

"b. Each state eligible to become a party state to this compact shall be declared a party state upon enactment of this compact into law by the state, repeal of all statutes or statutory provisions that pose unreasonable impediments to the capability of the state to host a regional facility in a timely manner, and upon payment of the fees required by Article IV(j)(1). An eligible state may become a party to this compact by an executive order by the governor of the state and upon payment of the fees required by Article IV(j)(1). However, any state which becomes a party state by executive order shall cease to be a party state upon the final adjournment of the next general or regular session of its legislature, unless this compact has by then been enacted as a statute by the state and all statutes and statutory provisions that conflict with the compact have been repealed.

"c. The compact shall become effective in a party state upon enactment by that state. It shall not become initially effective in the region until enacted into law by three party states and consent given to it by the Congress.

Effective date.

"d. The first three states eligible to become party states to this compact which adopt this compact into law as required in Article VII(b) shall immediately, upon the appointment of their Commission members, constitute themselves as the Northeast Interstate Low-Level Radioactive Waste Commission. They shall cause legislation to be introduced in the Congress which grants the consent of the Congress to this compact, and shall do those things necessary to organize the Commission and implement the provisions of this compact.

"1. The Commission shall be the judge of the qualifications of the party states and of its members and of their compliance with the conditions and requirements of this compact and of the laws of the party states relating to the enactment of this compact.

"2. All succeeding states eligible to become party states to this compact shall be declared party states pursuant to the provisions of section (b) of this Article.

"e. Any state not expressly declared eligible to become a party state to this compact in section (a) of this Article may petition the Commission to be declared eligible. The Commission may establish such conditions as it deems necessary and appropriate to be met by a state requesting eligibility as a party state to this compact pursuant to the provisions of this section, including a public hearing on the

application. Upon satisfactorily meeting such conditions and upon the affirmative vote of two-thirds of the Commission, including the affirmative vote of the representatives of the host states in which any affected regional facility is located, the petitioning state shall be eligible to become a party state to this compact and may become a party state in the same manner as those states declared eligible in section (a) of this Article.

Prohibition.

"f. No state holding membership in any other regional compact for the management of low-level radioactive waste may become a member of this compact.

"g. Any party state which fails to comply with the provisions of this compact or to fulfill its obligations hereunder may have its privileges suspended or, upon a two-thirds vote of the Commission, after full opportunity for hearing and comment, have its membership in the compact revoked. Revocation shall take effect one year from the date the affected party state receives written notice from the Commission of its action. All legal rights of the affected party state established under this compact shall cease upon the effective date of revocation, except that any legal obligations of that party state arising prior to revocation will not cease until they have been fulfilled. As soon as practicable after a Commission decision suspending or revoking party state status, the Commission shall provide written notice of the action and a copy of the resolution to the governors and the presiding officer of each body of the state legislatures of the party states, and to chairmen of the appropriate committees of the Congress.

"h. Any party state may withdraw from this compact by repealing its authorization legislation, and all legal rights under this compact of the party state cease upon repeal. However, no such withdrawal shall take effect until five years after the Governor of the withdrawing state has given notice in writing of such withdrawal to the Commission and to the governor of each party state. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to that time.

"1. Upon receipt of the notification, the Commission shall, as soon as practicable, provide copies to the governors and the presiding officer of each body of the state legislatures of the party states, and to the chairmen of the appropriate committees of the Congress.

"2. A regional facility in a withdrawing state shall remain available to the region for five years after the date the Commission receives written notification of the intent to withdraw or until the prescheduled date of closure, whichever occurs first.

"i. This compact may be terminated only by the affirmative action of the Congress or by the repeal of all laws enacting the compact in each party state. The Congress may by law withdraw its consent every five years after the compact takes effect.

"1. The consent given to this compact by the Congress shall extend to any future admittance of new party states under sections (b) and (e) of this Article.

"2. The withdrawal of a party state from this compact under section (h) or the revocation of a state's membership in this compact under section (g) of this Article shall not affect the applicability of the compact to the remaining party states.

"ARTICLE VIII. PENALTIES

"a. Each party state, consistent with federal and host state regulations and laws, shall enforce penalties against any person not acting

as an official of a party state for violation of this compact in the party state. Each party state acknowledges that the shipment to a host state of waste packaged or transported in violation of applicable laws and regulations can result in the imposition of sanctions by the host state. These sanctions may include, but are not limited to, suspension or revocation of the violator's right of access to the facility in the host state.

"b. Without the express approval of the Commission, it shall be unlawful for any person to dispose of any low-level waste within the region except at a regional facility; provided, however, that this restriction shall not apply to waste which is permitted by applicable federal or state regulations to be discarded without regard to its radioactivity.

Regulations.

"c. Unless specifically approved by the Commission and affected host state(s) pursuant to Article IV, it shall be a violation of this compact for: 1) any person to deposit at a regional facility waste not generated within the region; 2) any regional facility to accept waste not generated within the region; and 3) any person to export from the region waste generated within the region.

"d. Primary responsibility for enforcing provisions of the law will rest with the affected state or states. The Commission, upon a two-thirds vote of its members, may bring action to seek enforcement or appropriate remedies against violators of the provisions and regulations for this compact as provided for in Article IV.

"ARTICLE IX. COMPENSATION PROVISIONS

"a. The responsibility for ensuring compensation and clean-up during the operational and post-closure periods rests with the host state, as set forth herein.

"1. The host state shall ensure the availability of funds and procedures for compensation of injured persons, including facility employees, and property damage (except any possible claims for diminution of property values) due to the existence and operation of a regional facility, and for clean-up and restoration of the facility and surrounding areas.

"2. The state may satisfy this obligation by requiring bonds, insurance, compensation funds, or any other means or combination of means, imposed either on the facility operator or assumed by the state itself, or both. Nothing in this article alters the liability of any person or governmental entity under applicable state and federal laws.

Prohibition.

"b. The Commission shall provide a means of compensation for persons injured or property damaged during the institutional control period due to the radioactive and waste management nature of the regional facility. This responsibility may be met by a special fund, insurance, or other means.

"1. The Commission is authorized, at its discretion, to impose a waste management surcharge, to be collected by the operator or owner of the regional facility; to establish a separate insurance entity, formed by but separate from the Commission itself, but under such terms and conditions as it decides, and exempt from state insurance regulation; to contract with this company or other entity for coverage; or to take any other measures, or combination of measures, to implement the goals of this section.

Insurance.
Contracts.

"2. The existence of this fund or other means of compensation shall not imply any liability by the Commission, the non-host party states, or any of their officials and staff, which are

Regulation.

exempted from liability by other provisions of this compact. Claims or suits for compensation shall be directed against the fund, the insurance company, or other entity, unless the Commission, by regulation, directs otherwise.

“c. Notwithstanding any other provisions, the Commission fund, insurance, or other means of compensation shall also be available for third party relief during the operational and post-closure periods, as the Commission may direct, but only to the extent that no other funds, insurance, tort compensation, or other means are available from the host state or other entities, under section a. of this Article or otherwise; provided, that this Commission contribution shall not apply to clean-up or restoration of the regional facility and its environs during the operational and post-closure period.

“d. The liability of the Commission's fund, insurance entity, or any other means of compensation shall be limited to the amount currently contained therein; provided that the Commission may set some lower limit to ensure the integrity and availability of the fund or other entity for liability.

“ARTICLE X. SEVERABILITY AND CONSTRUCTION

Provisions held
invalid.

“The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared by a federal court of competent jurisdiction to be contrary to the Constitution of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby. The provisions of this compact shall be liberally construed to give effect to the purposes thereof.”

Approved January 15, 1986.

LEGISLATIVE HISTORY—H.R. 1083 (S. 1517) (S. 1518):

HOUSE REPORT No. 99-314, Pt. I (Comm. on Interior and Insular Affairs) and Pt. II (Comm. on Energy and Commerce).

CONGRESSIONAL RECORD, Vol. 131 (1985):

Dec. 9, considered and passed House; considered and passed Senate, amended.

Dec. 19, House concurred in Senate amendments with amendment. Senate concurred in House amendment.

PRIVATE LAWS

THERE WERE NO PRIVATE LAWS ENACTED
DURING THE FIRST SESSION OF THE
NINETY-NINTH CONGRESS

CONCURRENT RESOLUTIONS

FIRST SESSION, NINETY-NINTH CONGRESS

JOINT MEETING

Jan. 3, 1985
[S. Con. Res. 1]

Resolved by the Senate (the House of Representatives concurring), that the two Houses of Congress shall meet in the Hall of the House of Representatives on Monday, the seventh day of January 1985, at 1 o'clock post meridiem, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a record of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a record of the votes, be entered on the Journals of the two Houses.

Electoral vote
certificates.

Agreed to January 3, 1985.

JOINT INAUGURAL COMMITTEE

Jan. 3, 1985
[S. Con. Res. 2]

Resolved by the Senate (the House of Representatives concurring), that effective from January 3, 1985, the joint committee created by Senate Concurrent Resolution 122 of the Ninety-eighth Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority.

Approved January 3, 1985.

ADJOURNMENT—SENATE AND
HOUSE OF REPRESENTATIVES

Jan. 3, 1985
[S. Con. Res. 3]

Resolved by the Senate (the House of Representatives concurring), that when the Senate adjourns on Monday, January 7, 1985, at the conclusion of the joint session to count the electoral votes, it stand adjourned until 4 o'clock post meridiem on Monday, January 21, 1985, and when the House of Representatives adjourns on January 1985, it stand adjourned until 10 o'clock ante meridiem on Monday, January 21, 1985, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Approved January 3, 1986.

Jan. 22, 1985
[H. Con. Res. 1]

JOINT MEETING

Communication
from President.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, February 6, 1985, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Approved January 22, 1985.

Feb. 7, 1985
[S. Con. Res. 12]

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, February 7, 1985, or Friday, February 8, 1985, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock meridian on Monday, February 18, 1985, and that when the House of Representatives adjourns on Thursday, February 7, 1985, it stand adjourned until 12:00 o'clock meridian on Tuesday, February 19, 1985, or until 12 o'clock meridian on the second day after their respective Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever in their opinion the public interest shall warrant it.

Agreed to February 7, 1985.

Mar. 7, 1985
[H. Con. Res. 79]

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, March 7, 1985, it stand adjourned until 12 o'clock meridian on Tuesday, March 19, 1985, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble whenever, in his opinion, the public interest shall warrant it.

Agreed to March 7, 1985.

LT. GEN. LINCOLN D. FAURER—RETIREMENT

Mar. 28, 1985
[H. Con. Res. 92]

Whereas Lieutenant General Lincoln D. Faurer, United States Air Force, has served his Nation with dedication, honor, and distinction for thirty-five years since his graduation from the United States Military Academy in 1950;

Whereas General Faurer's career has been one of outstanding accomplishment and devotion to duty, culminating with four years of service as Director of the National Security Agency, where he has directed some of the Nation's most complex and technologically sophisticated intelligence collection systems;

Whereas General Faurer's many commendations and awards testify to his extraordinary skill and outstanding innovative leadership; Whereas during a period of rapid technological change and accelerated demand for timely, accurate, signals intelligence information to support both national and defense intelligence requirements, General Faurer has guided the National Security Agency to unprecedented levels of achievement and has thus made a major contribution to the national security of the United States;

Whereas General Faurer has made significant contributions to the successful furthering of National Security Agency missions involving communications and computer security through his energetic and effective management of complex, rapidly evolving programs; and

Whereas General Faurer has earned the respect, admiration, and trust of the highest officials in the executive and legislative branches of our Government, and particularly of the present and former members of the Intelligence Committees of the Senate and House of Representatives for his integrity and positive approach to congressional oversight of our Nation's intelligence activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), that on the occasion of his retirement from active duty the Senate and House of Representatives of the United States of America express and record their deep appreciation to Lieutenant General Lincoln D. Faurer for his exceptionally distinguished service to the United States Air Force, the national and defense intelligence communities, and the national security of the United States.

SEC. 2. In recognition of such exceptionally distinguished service and high achievement the Senate and House of Representatives of the United States of America strongly urge the President to award the National Security Medal to Lieutenant General Lincoln D. Faurer.

National
Security Medal.

Agreed to March 28, 1985.

Apr. 2, 1985
[S. Con. Res. 33]

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST—CAPITOL ROTUNDA CEREMONY

36 USC 1401.

Whereas, pursuant to the Act entitled “An Act to establish the United States Holocaust Memorial Council” and approved October 7, 1980 (94 Stat. 1547), the United States Holocaust Memorial Council is directed to provide for appropriate ways for the Nation to commemorate the days of remembrance of victims of the Holocaust, as an annual, national, civic commemoration of the Holocaust, and to encourage and sponsor appropriate observances of such days of remembrance throughout the United States;

Whereas, pursuant to such Act, the United States Holocaust Memorial Council has designated April 14, through April 21, 1985, as “Days of Remembrance of Victims of the Holocaust”; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony be held at noon on April 18, 1985, consisting of speeches, readings and musical presentations as part of the days of remembrance activities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is hereby authorized to be used on April 18, 1985, from 10 o'clock ante meridiem until 3 o'clock post meridiem for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to April 2, 1985.

Apr. 4, 1985
[S. Con. Res. 38]

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Wednesday, April 3, 1985, or Thursday, April 4, 1985, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, and that when the House of Representatives adjourns on Wednesday, April 3, 1985, or Thursday, April 4, 1985, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, they stand adjourned until 12:00 o'clock noon on Monday, April 15, 1985.

Agreed to April 4, 1985.

Apr. 30, 1985
[S. Con. Res. 37]

JEANNETTE RANKIN—STATUE PLACEMENT IN CAPITOL ROTUNDA

Resolved by the Senate (the House of Representatives concurring), That the statue of Jeannette Rankin, presented by the State of Montana for the National Statuary Hall collection in accordance with the provisions of section 1814 of the Revised Statutes (40 U.S.C.

187), is accepted in the name of the United States, and the thanks of the Congress are tendered to the State of Montana for the contribution of the statue of one of its most eminent personages, the first woman elected to the United States Congress, known for her courage and convictions regarding equality and peace.

SEC. 2. The State of Montana is authorized to place temporarily in the rotunda of the Capitol the statue of Jeannette Rankin referred to in the first section of this concurrent resolution, and to hold ceremonies on May 1, 1985, in the rotunda on that occasion. The Architect of the Capitol is authorized to make the necessary arrangements therefor.

SEC. 3. (a) The proceedings in the rotunda of the Capitol at the presentation by the State of Montana of the statue of Jeannette Rankin for the National Statuary Hall collection, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such document shall be prepared under the direction of the Joint Committee on the Library.

(b) There shall be printed five thousand additional copies of such document which shall be bound in such style as the Joint Committee on Printing shall direct, of which one hundred and three copies shall be for the use of the Senate and eighteen hundred and ninety-seven copies shall be for the use of the Members of the Senate from the State of Montana, and four hundred and sixty-three copies shall be for the use of the House of Representatives, and two thousand five hundred and thirty-seven copies shall be for the use of the Members of the House of Representatives from the State of Montana.

SEC. 4. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Governor of Montana.

Agreed to April 30, 1985.

HEAD START PROGRAM—TWENTIETH ANNIVERSARY COMMEMORATION

May 15, 1985

[H. Con. Res. 95]

Whereas on May 18, 1965, President Lyndon B. Johnson announced the establishment of Project Head Start;

Whereas by the end of the summer of 1965, nearly five hundred and sixty thousand low-income preschool children had been enrolled in thirteen thousand and four hundred Head Start centers in two thousand five hundred American communities;

Whereas over the past twenty years the Head Start Program has grown from a six- to eight-week summer demonstration program to a year-round early childhood enrichment program;

Whereas over nine million low-income preschool children have been enrolled in and benefited from the Head Start Program since its inception in 1965;

Whereas the Head Start Program has provided essential health, education, nutritional, and social services to these children and their families and has had a profound impact on the physical, social, and cognitive development of these children;

Whereas the emphasis in the Head Start Program on broad-based participation of the parents of children enrolled in the program has contributed in many important ways to the self-sufficiency,

self-esteem, and economic and psychological well-being of the parents as well as their children;

Whereas numerous studies have documented the lifelong beneficial effects of participation of Head Start Programs and the cost-effectiveness of the program; and

Whereas the Head Start Program is one of the most effective programs supported by the Federal Government: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That May 18, 1985, is commemorated as the twentieth anniversary of the establishment of the Head Start Program and that it is the sense of Congress that the Head Start Program has been a highly cost-effective and successful program and that the commitment of the Congress to the Head Start Program is reaffirmed.

Agreed to May 15, 1985.

May 23, 1985
[H. Con. Res. 142]

OFFICIAL VISIT OF RAJIV GANDHI, PRIME MINISTER OF INDIA—GREETINGS

Whereas the United States and India share a common bond of friendship and adherence to democratic values;

Whereas our shared values have been strengthened and renewed over the years, to our mutual benefit, by people-to-people contact across the full spectrum of human experience;

Whereas the United States has greatly benefitted by the contributions and creativity of 400,000 Asian-Indians who have come to our shores;

Whereas the American people hold a deep and abiding respect for India's rich cultural heritage and its important contributions to contemporary world thought as exemplified by the writings, teachings, and life's work of the great Mohandas K. Gandhi;

Whereas our two nations are embarked upon a joint celebration of Indian art, music, drama, dance, film, and crafts under the auspices of the Festival of India in the United States during the coming year;

Whereas there is impressive potential for a significant expansion of ties between the United States and India, particularly in the fields of trade, investment, and scientific cooperation;

Whereas the United States values and respects India's role as a leader of, and spokesman for, the developing nations of the world;

Whereas the United States recognizes the importance of a strong, unified, and independent India as a source of stability in Asia; and

Whereas our two nations should seek every avenue to accelerate the improvement of Indo-United States relations begun under the leadership and inspiration of the late Prime Minister Indira Gandhi: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress extends its warm greetings and respect to His Excellency, Rajiv Gandhi, the Prime Minister of India, on the

occasion of his official visit to the United States, with the hope that his visit will mark the intensification of friendly, constructive ties between our two great nations.

Agreed to May 23, 1985.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

May 23, 1985

[H. Con. Res. 155]

Resolved by the House of Representatives (the Senate concurring), that when the House adjourns on Thursday, May 23, 1985, and that when the Senate adjourns on Friday, May 24, 1985, they stand adjourned until 12 o'clock meridian on Monday, June 3, 1985.

Agreed to May 23, 1985.

CONDOLENCES ON THE DEATH OF PRESIDENT TANCREDO NEVES OF BRAZIL AND BEST WISHES TO PRESIDENT JOSE SARNEY

June 3, 1985

[S. Con. Res. 48]

Whereas, after twenty years of military rule, Brazil returned to democracy with the election of Tancredo Neves;

Whereas tens of millions of Brazilians peacefully and freely voted for candidates of their choice for their nation's highest offices;

Whereas it should be the policy of the United States to support democratic institutions in Latin America and elsewhere and the right to peaceful opposition and basic human rights;

Whereas President-elect Neves courageously devoted his last measure of strength to uniting his country while suffering from a fatal illness;

Whereas the death of President Neves has saddened all Brazilians and well-wishers for Brazil's return to democracy;

Whereas Brazil strengthened its commitment to democratic structures by rapidly and peacefully dealing with the necessary transition of power;

Whereas Vice President Jose Sarney has succeeded President-elect Neves in office and pledges to continue his democratic policies; and

Whereas the Brazilian nation has united to support a calm and expeditious transition: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that the Congress of the United States—

(1) extends its deepest and most sincere condolences to the people of Brazil and to the family of President Neves;

(2) sends its best wishes to President Jose Sarney for the success of his term in office;

(3) forwards its congratulations to the people of Brazil for their country's return to democracy and its handling of the presidential succession after the tragic death of President Neves; and

(4) expresses its hope that the long historical bonds and cooperation between Brazil and the United States be further developed and strengthened in the coming years.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of State for transmittal to President Jose Sarney of Brazil.

Agreed to June 3, 1985.

June 17, 1985
[S. Con. Res. 50]

OFFICIAL VISIT OF HABIB BOURGUIBA, PRESIDENT OF THE REPUBLIC OF TUNISIA—GREETINGS

Whereas the United States and the Republic of Tunisia share a common bond of friendship in the pursuit of democratic values; Whereas the President and the people of Tunisia share with the Government and the people of the United States the ideals of liberty, peace, democracy, and progress;

Whereas the United States recognizes the achievements under President Bourguiba which include continued emphasis on progress in economic growth and political democratization resulting in sustained economic and social benefits for its people;

Whereas the people of the United States admire and applaud President Bourguiba since Tunisia was the first Arab country to give women the right to vote;

Whereas the United States commends the Tunisian Government and its people for recognizing the value and the power of formal education by allocating one-third of its budget to instruction as an investment in democracy in the future;

Whereas the United States values and respects Tunisia's role as a leader in the Arab world and its moderating influence in the Maghreb which has had significant benefits for our mutual and shared strategic interests;

Whereas Habib Bourguiba has always stood for peaceful settlement of regional conflicts and it was President Bourguiba, who, in 1965, called for peaceful coexistence between the Arabs and Israelis; and

Whereas the United States recognizes the importance of a strong and independent Tunisia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress extends its warm greetings and respect to his excellency, Habib Bourguiba, the President of the Republic of Tunisia, on the occasion of his third official visit to the United States, with the hope that this visit will mark the continued close and friendly ties between our two great nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President for transmittal to the Government of Tunisia.

Agreed to June 17, 1985.

ADJOURNMENT—SENATE AND
HOUSE OF REPRESENTATIVESJune 27, 1985
[S. Con. Res. 54]

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, June 27, 1985, or Friday, June 28, 1985, pursuant to a motion made by the Majority Leader in accordance with this resolution, and that when the House adjourns on Thursday, June 27, 1985, or Friday, June 28, 1985, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, they stand adjourned until 12 o'clock noon on Monday, July 8, 1985, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to June 27, 1985.

ANNIVERSARY OF THE DEATH OF ULYSSES S.
GRANT—CAPITOL ROTUNDA CEREMONYJuly 11, 1985
[H. Con. Res. 59]

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the United States Capitol is hereby authorized to be used on July 23, 1985, from 11 to 11:30 o'clock ante meridiem for a ceremony as part of the commemoration of the anniversary of the death of Ulysses S. Grant, the eighteenth President of the United States. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to July 11, 1985.

AMERICANS MISSING IN SOUTHEAST
ASIA—EXPRESSION OF CONCERNJuly 18, 1985
[S. Con. Res. 46]

Whereas the President has declared the issue of two thousand four hundred and eighty-three Americans missing and unaccounted for in Indochina a matter of highest national priority and has initiated high level dialog on this issue with the Governments of the Lao People's Democratic Republic and the Socialist Republic of Vietnam;

Whereas the Congress, on a bipartisan basis, fully supports these initiatives to determine the fate of Americans still missing in Indochina and realizes that the fullest possible accounting can only be achieved with the cooperation of the Indochinese governments; and

Whereas the Government of the Socialist Republic of Vietnam has pledged to accelerate efforts to cooperate with the United States Government in resolving this humanitarian issue, separate from other issues dividing our two countries, and the Government of the Lao People's Democratic Republic has taken some positive actions to assist the United States Government in resolving the status of missing Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),
That it is the sense of the Congress that the President should—

(1) ensure that officials of the United States Government consciously and fully carry out his pledge of highest national priority to resolve the issue of two thousand four hundred and eighty-three Americans still missing and unaccounted for in Indochina;

(2) work for the immediate release of any Americans who may still be held captive in Indochina and for the immediate return of the remains of all American servicemen and civilians who have died in Southeast Asia whose remains have not been returned; and

(3) make every effort to secure the further cooperation of the Lao People's Democratic Republic and the Socialist Republic of Vietnam in resolving this humanitarian issue of fundamental importance.

Sec. 2. The Congress calls on the Socialist Republic of Vietnam to fulfill their pledge to accelerate cooperation with the United States in achieving the fullest possible accounting for Americans missing or unaccounted for in Indochina.

Agreed to July 18, 1985.

July 26, 1985
[H. Con. Res. 172]

APOLLO-SOYUZ TEST PROJECT—TENTH ANNIVERSARY COMMEMORATION

Whereas July 1985 marks the tenth anniversary of the first international manned space flight;

Whereas the Apollo-Soyuz mission resulted from an agreement on cooperation in space between the United States and the Union of Soviet Socialist Republics, signed by President Nixon and Premier Kosygin on May 24, 1972;

Whereas the Apollo-Soyuz test project brought together American and Soviet spacecraft in Earth orbit to test compatible rendezvous and docking systems for manned spacecraft;

Whereas the Apollo-Soyuz test project provided an opportunity for American astronauts and Soviet cosmonauts to exchange visits and to conduct joint scientific experiments;

Whereas the success of the Apollo-Soyuz mission was due to the dedication and efforts of the National Aeronautics and Space Administration and the Soviet Academy of Sciences;

Whereas the American astronaut team was ably commanded by Thomas P. Stafford, Donald K. Slayton, and Vance D. Brand;

Whereas the Union of Soviet Socialist Republics cosmonauts were ably represented by Aleksey A. Leonov and Valeriy N. Kubasov; and

Whereas the Apollo-Soyuz mission exemplifies the value of international cooperative missions between the United States and the Soviet Union and provides both countries with the impetus to pursue future mission opportunities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),
That the Committee on Science and Technology commemorate this occasion of the tenth anniversary of the Apollo-Soyuz test project.

Agreed to July 26, 1985.

MEDICARE—TWENTIETH ANNIVERSARY COMMENDATION

Aug. 1, 1985

[S. Con. Res. 9]

Whereas Congress authorized Medicare in 1965 under title XVIII of the Social Security Act to consist of hospital insurance and supplemental medical insurance;

Whereas Medicare has contributed immeasurably to the security, improved health and extended longevity of older Americans;

Whereas Medicare provides health insurance coverage to thirty-one million aged and disabled persons, and is the largest personal health care financing program in the United States;

Whereas over half of all physicians serve Medicare patients, and over twenty thousand organizations—hospitals, nursing homes, home health agencies, labs, and clinics participate in Medicare;

Whereas Medicare is one of the most vitally important and successful programs in the history of the United States, without which many older Americans could not afford basic health care; and

Whereas one of the greatest social issues facing our Nation today is maintaining the integrity of Medicare to ensure the health and well-being of all older Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),
That Medicare be commended on its twentieth anniversary for the program's success in helping to protect older Americans against the high cost of health care.

Agreed to August 1, 1985.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Aug. 1, 1985

[H. Con. Res. 179]

Resolved by the House of Representatives (the Senate concurring),
That when the House adjourns on Thursday, August 1, 1985, or on Friday, August 2, 1985, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Wednesday, September 4, 1985, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns on Thursday, August 1, 1985, or on Friday, August 2, 1985, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12 o'clock meridian on

Wednesday, September 4, 1985, or until 12 o'clock meridian on Monday, September 9, 1985, pursuant to a motion made by the Majority Leader, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to August 1, 1985.

Aug. 1, 1985
[H. Con. Res. 181]

Ante, p. 405.

CORRECTIONS IN ENROLLMENT OF H.R. 2068

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 2068) to authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) At the end of title I of the bill, after section 154, insert the following new section:

"SEC. 155. SOVIET AND INTERNATIONAL COMMUNIST BEHAVIOR.

"Not later than one year after the date of enactment of this section, the Secretary of State shall prepare and transmit to the Speaker of the House of Representatives, and to chairman of the Committee on Foreign Relations of the Senate, an unclassified report on the advisability of establishing a permanent office in the Department of State to study Soviet and international Communist behavior that violates the concepts of national sovereignty and peace between nations. In conducting the study required by this section, the Secretary may make use of suitably qualified journalists and scholars."

(2) In the table of contents contained in section 1(b), after the item relating to section 154, insert the following new item:

"Sec. 155. Soviet and international Communist behavior."

(3) In section 812(c), strike out "The President should submit" and insert in lieu thereof "The President shall submit".

(4) In section 813(b), strike out "It is the sense of the Congress that the Secretary of State and the Attorney General should" and insert in lieu thereof "The Secretary of State and the Attorney General shall" and strike out "should transmit" and insert in lieu thereof "shall transmit".

(5) In section 151, amend subsection (c) to read as follows:
"(c) REDUCTION IN CONTRIBUTION IF SUBSTANTIAL PROGRESS NOT MADE.—If the Secretary of State determines pursuant to subsection (b) that substantial progress has not been made in correcting this practice, the United States shall thereafter reduce the amount of its annual assessed contribution to the United Nations by the amount of that contribution which is the United States proportionate share of the salaries of those international civil servants employed by the

United Nations who are returning any portion of their salaries to their respective governments.”.

Agreed to August 1, 1985.

CONGRESSIONAL BUDGET FOR FISCAL YEARS
1986–1988 AND REVISION FOR FISCAL YEAR 1985

Aug. 1, 1985
[S. Con. Res. 32]

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1985 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1986 is hereby established, and the appropriate budgetary levels for fiscal years 1987 and 1988 are hereby set forth.

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1984, October 1, 1985, October 1, 1986, and October 1, 1987:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1985: \$736,500,000,000.
Fiscal year 1986: \$795,700,000,000.
Fiscal year 1987: \$869,400,000,000.
Fiscal year 1988: \$960,100,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1985: \$0.
Fiscal year 1986: \$3,000,000,000.
Fiscal year 1987: \$5,100,000,000.
Fiscal year 1988: \$7,600,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

26 USC 3126.

Fiscal year 1985: \$44,800,000,000.
Fiscal year 1986: \$50,900,000,000.
Fiscal year 1987: \$56,100,000,000.
Fiscal year 1988: \$61,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues for old-age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1985: \$186,200,000,000.
Fiscal year 1986: \$200,400,000,000.
Fiscal year 1987: \$216,800,000,000.
Fiscal year 1988: \$248,000,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1985: \$1,062,100,000,000.
Fiscal year 1986: \$1,069,700,000,000.
Fiscal year 1987: \$1,137,950,000,000.
Fiscal year 1988: \$1,216,450,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1985: \$946,300,000,000.
Fiscal year 1986: \$967,600,000,000.
Fiscal year 1987: \$1,024,100,000,000.
Fiscal year 1988: \$1,073,000,000,000.

(4) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1985: \$209,800,000,000.

Fiscal year 1986: \$171,900,000,000.

Fiscal year 1987: \$154,700,000,000.

Fiscal year 1988: \$112,900,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1985: \$1,847,800,000,000.

Fiscal year 1986: \$2,078,700,000,000.

Fiscal year 1987: \$2,301,900,000,000.

Fiscal year 1988: \$2,507,000,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1985: \$24,000,000,000.

Fiscal year 1986: \$230,900,000,000.

Fiscal year 1987: \$223,200,000,000.

Fiscal year 1988: \$205,100,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1984, October 1, 1985, October 1, 1986, and October 1, 1987, are as follows:

Fiscal year 1985:

(A) New direct loan obligations, \$52,850,000,000.

(B) New primary loan guarantee commitments, \$69,350,000,000.

(C) New secondary loan guarantee commitments, \$68,200,000,000.

Fiscal year 1986:

(A) New direct loan obligations, \$34,400,000,000.

(B) New primary loan guarantee commitments, \$80,150,000,000.

(C) New secondary loan guarantee commitments, \$68,200,000,000.

Fiscal year 1987:

(A) New direct loan obligations, \$32,150,000,000.

(B) New primary loan guarantee commitments, \$79,050,000,000.

(C) New secondary loan guarantee commitments, \$68,200,000,000.

Fiscal year 1988:

(A) New direct loan obligations, \$31,400,000,000.

(B) New primary loan guarantee commitments, \$84,000,000,000.

(C) New secondary loan guarantee commitments, \$68,200,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for the fiscal years 1985 through 1988 for each major functional category are:

(1) National Defense (050):

Fiscal year 1985:

(A) New budget authority, \$292,600,000,000.

(B) Outlays, \$249,400,000,000.

(C) New direct loan obligations, \$0.

(D) New primary loan guarantee commitments, \$0.

(E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$302,500,000,000.
- (B) Outlays, \$267,100,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$323,400,000,000.
- (B) Outlays, \$285,200,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$346,800,000,000.
- (B) Outlays, \$303,900,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

International Affairs (150):

Fiscal year 1985:

- (A) New budget authority, \$24,700,000,000.
- (B) Outlays, \$17,200,000,000.
- (C) New direct loan obligations, \$11,500,000,000.
- (D) New primary loan guarantee commitments, \$10,300,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$21,300,000,000.
- (B) Outlays, \$18,850,000,000.
- (C) New direct loan obligations, \$9,900,000,000.
- (D) New primary loan guarantee commitments, \$12,300,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$20,100,000,000.
- (B) Outlays, \$17,300,000,000.
- (C) New direct loan obligations, \$9,600,000,000.
- (D) New primary loan guarantee commitments, \$12,300,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$19,900,000,000.
- (B) Outlays, \$16,450,000,000.
- (C) New direct loan obligations, \$9,700,000,000.
- (D) New primary loan guarantee commitments, \$12,300,000,000.
- (E) New secondary loan guarantee commitments, \$0.

General Science, Space, and Technology (250):

Fiscal year 1985:

- (A) New budget authority, \$9,100,000,000.
- (B) Outlays, \$8,700,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$9,100,000,000.

- (B) Outlays, \$8,900,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1987:
- (A) New budget authority, \$9,050,000,000.
 - (B) Outlays, \$8,900,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1988:
- (A) New budget authority, \$9,300,000,000.
 - (B) Outlays, \$9,000,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
- (4) Energy (270):
- Fiscal year 1985:
- (A) New budget authority, \$900,000,000.
 - (B) Outlays, \$5,500,000,000.
 - (C) New direct loan obligations, \$2,100,000,000.
 - (D) New primary loan guarantee commitments, \$100,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1986:
- (A) New budget authority, \$5,900,000,000.
 - (B) Outlays, \$5,550,000,000.
 - (C) New direct loan obligations, \$2,100,000,000.
 - (D) New primary loan guarantee commitments, \$4,100,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1987:
- (A) New budget authority, \$5,850,000,000.
 - (B) Outlays, \$5,150,000,000.
 - (C) New direct loan obligations, \$2,100,000,000.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1988:
- (A) New budget authority, \$4,950,000,000.
 - (B) Outlays, \$4,450,000,000.
 - (C) New direct loan obligations, \$2,100,000,000.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
- (5) Natural Resources and Environment (300):
- Fiscal year 1985:
- (A) New budget authority, \$13,100,000,000.
 - (B) Outlays, \$13,000,000,000.
 - (C) New direct loan obligations, \$100,000,000.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1986:
- (A) New budget authority, \$13,100,000,000.
 - (B) Outlays, \$13,000,000,000.
 - (C) New direct loan obligations, \$50,000,000.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$13,200,000,000.
- (B) Outlays, \$12,750,000,000.
- (C) New direct loan obligations, \$100,000,000.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$13,150,000,000.
- (B) Outlays, \$12,950,000,000.
- (C) New direct loan obligations, \$50,000,000.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Agriculture (350):

Fiscal year 1985:

- (A) New budget authority, \$27,000,000,000.
- (B) Outlays, \$23,300,000,000.
- (C) New direct loan obligations, \$13,800,000,000.
- (D) New primary loan guarantee commitments, \$5,700,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$18,300,000,000.
- (B) Outlays, \$15,550,000,000.
- (C) New direct loan obligations, \$13,600,000,000.
- (D) New primary loan guarantee commitments, \$6,400,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$17,700,000,000.
- (B) Outlays, \$16,250,000,000.
- (C) New direct loan obligations, \$11,400,000,000.
- (D) New primary loan guarantee commitments, \$5,600,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$16,200,000,000.
- (B) Outlays, \$13,750,000,000.
- (C) New direct loan obligations, \$10,500,000,000.
- (D) New primary loan guarantee commitments, \$6,900,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Commerce and Housing Credit (370):

Fiscal year 1985:

- (A) New budget authority, \$12,600,000,000.
- (B) Outlays, \$5,500,000,000.
- (C) New direct loan obligations, \$6,500,000,000.
- (D) New primary loan guarantee commitments, \$26,900,000,000.
- (E) New secondary loan guarantee commitments, \$68,200,000,000.

Fiscal year 1986:

- (A) New budget authority, \$7,700,000,000.
- (B) Outlays, \$3,700,000,000.
- (C) New direct loan obligations, \$5,000,000,000.
- (D) New primary loan guarantee commitments, \$28,200,000,000.

- (E) New secondary loan guarantee commitments, \$68,200,000,000.
- Fiscal year 1987:
 - (A) New budget authority, \$7,700,000,000.
 - (B) Outlays, \$3,450,000,000.
 - (C) New direct loan obligations, \$5,300,000,000.
 - (D) New primary loan guarantee commitments, \$29,900,000,000.
 - (E) New secondary loan guarantee commitments, \$68,200,000,000.
- Fiscal year 1988:
 - (A) New budget authority, \$7,850,000,000.
 - (B) Outlays, \$5,200,000,000.
 - (C) New direct loan obligations, \$5,400,000,000.
 - (D) New primary loan guarantee commitments, \$31,700,000,000.
 - (E) New secondary loan guarantee commitments, \$68,200,000,000.
- (8) Transportation (400):
 - Fiscal year 1985:
 - (A) New budget authority, \$29,400,000,000.
 - (B) Outlays, \$26,000,000,000.
 - (C) New direct loan obligations, \$300,000,000.
 - (D) New primary loan guarantee commitments, \$300,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1986:
 - (A) New budget authority, \$26,850,000,000.
 - (B) Outlays, \$25,800,000,000.
 - (C) New direct loan obligations, \$200,000,000.
 - (D) New primary loan guarantee commitments, \$300,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1987:
 - (A) New budget authority, \$28,900,000,000.
 - (B) Outlays, \$27,700,000,000.
 - (C) New direct loan obligations, \$100,000,000.
 - (D) New primary loan guarantee commitments, \$300,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1988:
 - (A) New budget authority, \$29,750,000,000.
 - (B) Outlays, \$28,100,000,000.
 - (C) New direct loan obligations, \$100,000,000.
 - (D) New primary loan guarantee commitments, \$300,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
- (9) Community and Regional Development (450):
 - Fiscal year 1985:
 - (A) New budget authority, \$8,300,000,000.
 - (B) Outlays, \$8,400,000,000.
 - (C) New direct loan obligations, \$1,700,000,000.
 - (D) New primary loan guarantee commitments, \$200,000,000.
 - (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$6,950,000,000.
- (B) Outlays, \$8,050,000,000.
- (C) New direct loan obligations, \$1,100,000,000.
- (D) New primary loan guarantee commitments, \$200,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$6,900,000,000.
- (B) Outlays, \$7,300,000,000.
- (C) New direct loan obligations, \$1,200,000,000.
- (D) New primary loan guarantee commitments, \$200,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$7,200,000,000.
- (B) Outlays, \$6,850,000,000.
- (C) New direct loan obligations, \$1,300,000,000.
- (D) New primary loan guarantee commitments, \$200,000,000.
- (E) New secondary loan guarantee commitments, \$0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1985:

- (A) New budget authority, \$32,100,000,000.
- (B) Outlays, \$30,400,000,000.
- (C) New direct loan obligations, \$1,200,000,000.
- (D) New primary loan guarantee commitments, \$8,800,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$31,550,000,000.
- (B) Outlays, \$30,850,000,000.
- (C) New direct loan obligations, \$1,100,000,000.
- (D) New primary loan guarantee commitments, \$9,000,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$32,350,000,000.
- (B) Outlays, \$31,350,000,000.
- (C) New direct loan obligations, \$1,100,000,000.
- (D) New primary loan guarantee commitments, \$9,400,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$32,950,000,000.
- (B) Outlays, \$32,100,000,000.
- (C) New direct loan obligations, \$1,100,000,000.
- (D) New primary loan guarantee commitments, \$9,600,000,000.
- (E) New secondary loan guarantee commitments, \$0.

(11) Health (550):

Fiscal year 1985:

- (A) New budget authority, \$33,600,000,000.
- (B) Outlays, \$33,500,000,000.
- (C) New direct loan obligations, \$50,000,000.

- (D) New primary loan guarantee commitments, \$250,000,000.
- (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1986:
 - (A) New budget authority, \$36,000,000,000.
 - (B) Outlays, \$34,900,000,000.
 - (C) New direct loan obligations, \$50,000,000.
 - (D) New primary loan guarantee commitments, \$250,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1987:
 - (A) New budget authority, \$38,400,000,000.
 - (B) Outlays, \$37,800,000,000.
 - (C) New direct loan obligations, \$50,000,000.
 - (D) New primary loan guarantee commitments, \$250,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1988:
 - (A) New budget authority, \$41,100,000,000.
 - (B) Outlays, \$40,700,000,000.
 - (C) New direct loan obligations, \$50,000,000.
 - (D) New primary loan guarantee commitments, \$300,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
- (12) Medical Insurance (570):
 - Fiscal year 1985:
 - (A) New budget authority, \$72,000,000,000.
 - (B) Outlays, \$65,900,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1986:
 - (A) New budget authority, \$81,500,000,000.
 - (B) Outlays, \$69,200,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1987:
 - (A) New budget authority, \$90,600,000,000.
 - (B) Outlays, \$76,400,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1988:
 - (A) New budget authority, \$94,200,000,000.
 - (B) Outlays, \$84,900,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
- (13) Income Security (600):
 - Fiscal year 1985:
 - (A) New budget authority, \$164,500,000,000.
 - (B) Outlays, \$128,900,000,000.
 - (C) New direct loan obligations, \$14,300,000,000.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$155,100,000,000.
- (B) Outlays, \$119,050,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$1,800,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$163,750,000,000.
- (B) Outlays, \$124,200,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$2,300,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$172,400,000,000.
- (B) Outlays, \$130,600,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$1,800,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Social Security (650):

Fiscal year 1985:

- (A) New budget authority, \$198,700,000,000.
- (B) Outlays, \$189,000,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$207,200,000,000.
- (B) Outlays, \$200,800,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$224,750,000,000.
- (B) Outlays, \$214,000,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$264,600,000,000.
- (B) Outlays, \$228,100,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Veterans Benefits and Services (700):

Fiscal year 1985:

- (A) New budget authority, \$27,400,000,000.
- (B) Outlays, \$26,400,000,000.
- (C) New direct loan obligations, \$1,300,000,000.
- (D) New primary loan guarantee commitments, \$16,800,000,000.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$27,450,000,000.
- (B) Outlays, \$26,800,000,000.

- (C) New direct loan obligations, \$1,300,000,000.
- (D) New primary loan guarantee commitments, \$17,600,000,000.
- (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1987:
 - (A) New budget authority, \$27,550,000,000.
 - (B) Outlays, \$27,250,000,000.
 - (C) New direct loan obligations, \$1,200,000,000.
 - (D) New primary loan guarantee commitments, \$18,800,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
- Fiscal year 1988:
 - (A) New budget authority, \$27,900,000,000.
 - (B) Outlays, \$27,650,000,000.
 - (C) New direct loan obligations, \$1,100,000,000.
 - (D) New primary loan guarantee commitments, \$20,900,000,000.
 - (E) New secondary loan guarantee commitments, \$0.
- (16) Administration of Justice (750):
 - Fiscal year 1985:
 - (A) New budget authority, \$6,700,000,000.
 - (B) Outlays, \$6,300,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1986:
 - (A) New budget authority, \$6,900,000,000.
 - (B) Outlays, \$6,800,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1987:
 - (A) New budget authority, \$7,050,000,000.
 - (B) Outlays, \$7,000,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1988:
 - (A) New budget authority, \$7,200,000,000.
 - (B) Outlays, \$7,150,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
- (17) General Government (800):
 - Fiscal year 1985:
 - (A) New budget authority, \$5,700,000,000.
 - (B) Outlays, \$5,700,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.
 - Fiscal year 1986:
 - (A) New budget authority, \$5,500,000,000.
 - (B) Outlays, \$5,450,000,000.
 - (C) New direct loan obligations, \$0.
 - (D) New primary loan guarantee commitments, \$0.
 - (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$5,300,000,000.
- (B) Outlays, \$5,200,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$5,500,000,000.
- (B) Outlays, \$5,450,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

8) General Purpose Fiscal Assistance (850):

Fiscal year 1985:

- (A) New budget authority, \$6,400,000,000.
- (B) Outlays, \$6,400,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$6,500,000,000.
- (B) Outlays, \$6,500,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$2,000,000,000.
- (B) Outlays, \$3,200,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$2,100,000,000.
- (B) Outlays, \$2,100,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

9) Net Interest (900):

Fiscal year 1985:

- (A) New budget authority, \$129,200,000,000.
- (B) Outlays, \$129,200,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, \$142,300,000,000.
- (B) Outlays, \$142,300,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, \$152,500,000,000.
- (B) Outlays, \$152,500,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, \$155,000,000,000.
- (B) Outlays, \$155,000,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

(20) Allowances (920):

Fiscal year 1985:

- (A) New budget authority, \$500,000,000.
- (B) Outlays, \$0.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, —\$2,100,000,000.
- (B) Outlays, —\$1,650,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, —\$2,000,000,000.
- (B) Outlays, —\$1,700,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, —\$700,000,000.
- (B) Outlays, —\$500,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1985:

- (A) New budget authority, —\$32,400,000,000.
- (B) Outlays, —\$32,400,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1986:

- (A) New budget authority, —\$39,900,000,000.
- (B) Outlays, —\$39,900,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1987:

- (A) New budget authority, —\$37,100,000,000.
- (B) Outlays, —\$37,100,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

Fiscal year 1988:

- (A) New budget authority, —\$40,900,000,000.
- (B) Outlays, —\$40,900,000,000.
- (C) New direct loan obligations, \$0.
- (D) New primary loan guarantee commitments, \$0.
- (E) New secondary loan guarantee commitments, \$0.

RECONCILIATION

SEC. 2. (a) Not later than September 27, 1985, the committees named in subsections (b) through (z) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b) The Senate Committee on Agriculture, Nutrition, and Forestry shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$0 in budget authority and \$1,250,000,000 in outlays in fiscal year 1986, \$0 in budget authority and \$2,050,000,000 in outlays in fiscal year 1987, and \$0 in budget authority and \$4,600,000,000 in outlays in fiscal year 1988.

2 USC 651.

(c) The Senate Committee on Armed Services shall report changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to achieve savings of \$0 in budget authority and \$100,000,000 in outlays in fiscal year 1986, \$0 in budget authority and \$200,000,000 in outlays in fiscal year 1987, and \$0 in budget authority and \$300,000,000 in outlays in fiscal year 1988.

(d) The Senate Committee on Banking, Housing, and Urban Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$2,374,000,000 in budget authority and \$2,814,000,000 in outlays in fiscal year 1986, \$2,828,000,000 in budget authority and \$3,685,000,000 in outlays in fiscal year 1987, \$2,998,000,000 in budget authority and \$3,821,000,000 in outlays in fiscal year 1988.

(e) The Senate Committee on Commerce, Science, and Transportation shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$328,000,000 in budget authority and \$310,000,000 in outlays in fiscal year 1986, \$133,000,000 in budget authority and \$119,000,000 in outlays in fiscal year 1987, and \$135,000,000 in budget authority and \$130,000,000 in outlays in fiscal year 1988.

(f) The Senate Committee on Energy and Natural Resources shall report (1) changes in laws within its jurisdiction which provide

spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, or (3) any combination thereof, sufficient to achieve the following: savings of \$5,485,000,000 in budget authority and \$5,403,000,000 in outlays in fiscal year 1986, increases of \$291,000,000 in budget authority and \$147,000,000 in outlays in fiscal year 1987, and savings of \$337,000,000 in budget authority and \$314,000,000 in outlays in fiscal year 1988.

(g) The Senate Committee on Environment and Public Works shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$0 in budget authority and \$200,000,000 in outlays in fiscal year 1986, \$0 in budget authority and \$850,000,000 in outlays in fiscal year 1987, and \$0 in budget authority and \$1,050,000,000 in outlays in fiscal year 1988.

(h)(1) The Senate Committee on Finance shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (B) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (C) any combination thereof, as follows: \$0 in budget authority and \$3,307,000,000 in outlays in fiscal year 1986, \$0 in budget authority and \$7,951,000,000 in outlays in fiscal year 1987, and \$0 in budget authority and \$10,908,000,000 in outlays in fiscal year 1988.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of the committee sufficient to increase revenues as follows: \$1,800,000,000 in fiscal year 1986; \$3,000,000,000 in fiscal year 1987; and \$3,600,000,000 in fiscal year 1988.

(i) The Senate Committee on Governmental Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$0 in budget authority and \$3,219,000,000 in outlays in fiscal year 1986, \$0 in budget authority and \$4,421,000,000 in outlays in fiscal year 1987, and \$0 in budget authority and \$4,986,000,000 in outlays in fiscal year 1988.

(j) The Senate Committee on Labor and Human Resources shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$670,000,000 in budget authority and \$170,000,000 in outlays in fiscal year 1986, \$860,000,000 in budget authority and \$535,000,000 in outlays in

fiscal year 1987, and \$1,085,000,000 in budget authority and \$960,000,000 in outlays in fiscal year 1988.

(k) The Senate Committee on Small Business shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$448,000,000 in budget authority and \$509,000,000 in outlays in fiscal year 1986, \$564,000,000 in budget authority and \$972,000,000 in outlays in fiscal year 1987, and \$1,060,000,000 in budget authority and \$998,000,000 in outlays in fiscal year 1988.

2 USC 651.

(l) The Senate Committee on Veterans' Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$300,000,000 in budget authority and \$300,000,000 in outlays in fiscal year 1986, \$400,000,000 in budget authority and \$400,000,000 in outlays in fiscal year 1987, and \$450,000,000 in budget authority and \$450,000,000 in outlays in fiscal year 1988.

(m) The House Committee on Agriculture shall report changes in laws within the jurisdiction of that committee sufficient to reduce outlays by \$1,250,000,000 in fiscal year 1986; to reduce outlays by \$2,050,000,000 in fiscal year 1987; and to reduce outlays by \$4,600,000,000 in fiscal year 1988.

(n) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by \$100,000,000 in fiscal year 1986; to reduce outlays by \$200,000,000 in fiscal year 1987; and to reduce outlays by \$300,000,000 in fiscal year 1988.

(o) The House Committee on Banking, Finance and Urban Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$2,374,000,000 in budget authority and \$2,814,000,000 in outlays in fiscal year 1986; \$2,828,000,000 in budget authority and \$3,685,000,000 in outlays in fiscal year 1987, and \$2,998,000,000 in budget authority and \$3,821,000,000 in outlays in fiscal year 1988.

(p) The House Committee on Education and Labor shall report changes in the laws within the jurisdiction of that committee sufficient to reduce budget authority by \$670,000,000 and outlays by \$470,000,000 in fiscal year 1986; to reduce budget authority by \$860,000,000 and outlays by \$835,000,000 in fiscal year 1987; and to reduce budget authority by \$1,085,000,000 and outlays by \$1,260,000,000 in fiscal year 1988.

(q) The House Committee on Energy and Commerce shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$1,513,000,000 in budget authority and \$3,947,000,000 in outlays in fiscal year 1986, \$1,246,000,000 in budget authority and \$5,008,000,000 in outlays in fiscal year 1987, and \$1,401,000,000 in budget authority and \$6,512,000,000 in outlays in fiscal year 1988.

2 USC 651.

(r) The House Committee on Government Operations shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by \$0 in fiscal year 1986; to reduce outlays by \$3,526,000,000 in fiscal year 1987; and to reduce outlays by \$4,956,000,000 in fiscal year 1988.

(s) The House Committee on Interior and Insular Affairs shall report changes in laws within the jurisdiction of that committee sufficient to reduce budget authority by \$4,000,000,000 and outlays by \$4,000,000,000 in fiscal year 1986; to increase budget authority by \$1,504,000,000 and outlays by \$1,504,000,000 in fiscal year 1987; and to increase budget authority by \$1,029,000,000 and outlays by \$1,029,000,000 in fiscal year 1988.

(t) The House Committee on the Judiciary shall report changes in laws within the jurisdiction of that committee sufficient to reduce budget authority by \$570,000,000 and outlays by \$70,000,000 in fiscal year 1986; to reduce budget authority by \$610,000,000 and outlays by \$285,000,000 in fiscal year 1987; and to reduce budget authority by \$635,000,000 and outlays by \$510,000,000 in fiscal year 1988.

(u) The House Committee on Merchant Marine and Fisheries shall report changes in laws within the jurisdiction of that committee sufficient to reduce budget authority by \$300,000,000 and outlays by \$300,000,000 in fiscal year 1986; to reduce budget authority by \$100,000,000 and outlays by \$100,000,000 in fiscal year 1987; and to reduce budget authority by \$100,000,000 and outlays by \$100,000,000 in fiscal year 1988.

(v) The House Committee on Post Office and Civil Service shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$3,219,000,000 in outlays in fiscal year 1986, \$4,421,000,000 in outlays in fiscal year 1987, and \$4,986,000,000 in outlays in fiscal year 1988.

(w) The House Committee on Public Works and Transportation shall report changes in laws within the jurisdiction of that committee sufficient to reduce outlays by \$200,000,000 in fiscal year 1986, to reduce outlays by \$850,000,000 in fiscal year 1987, and to reduce outlays by \$1,050,000,000 in fiscal year 1988.

(x) The House Committee on Small Business shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, (2) changes in laws within its jurisdiction other than those

which provide spending authority as defined in section 401(c)(2)(C) of the Act, sufficient to achieve savings in budget authority and outlays, or (3) any combination thereof, as follows: \$448,000,000 in budget authority and \$509,000,000 in outlays in fiscal year 1986, \$564,000,000 in budget authority and \$972,000,000 in outlays in fiscal year 1987, and \$1,060,000,000 in budget authority and \$998,000,000 in outlays in fiscal year 1988.

(y) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee sufficient to reduce budget authority by \$300,000,000 and outlays by \$300,000,000 in fiscal year 1986; to reduce budget authority by \$400,000,000 and outlays by \$400,000,000 in fiscal year 1987; and to reduce budget authority by \$450,000,000 and outlays by \$450,000,000 in fiscal year 1988.

(z) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to reduce the budget deficit by \$5,027,000,000 in fiscal year 1986; to reduce the budget deficit by \$7,245,000,000 in fiscal year 1987; and to reduce the budget deficit by \$9,362,000,000 in fiscal year 1988.

MISCELLANEOUS PROVISIONS

AUTOMATIC SECOND BUDGET RESOLUTION

SEC. 3. (a) If the Congress has not completed action by October 1, 1985, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for fiscal year 1986, then, for purposes of section 311 of such Act, this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310 of such Act.

2 USC 641.
2 USC 642.

(b) In the House of Representatives, section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

- (1) the enactment of such bill or resolution as reported;
- (2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

which would not cause the appropriate allocation for such committee of new discretionary budget authority or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1986 to be exceeded.

2 USC 651.
2 USC 633.

TAX REFORM

SEC. 4. (a). The Congress finds that—

(1) the existing tax structure of the United States distorts economic activity, leading to an inefficient use of national resources and a weakening of our domestic economic vitality and competitive posture in international markets;

(2) the relative tax burdens among various taxpayer categories are manifestly unfair insofar as they arise from differences in the capabilities of taxpayers to take advantage of complicated tax laws;

(3) the ability of the Federal Government to plan and conduct rational fiscal policy is frustrated by elaborate schemes to avoid taxation and the unintended effects of tax incentives and penalties;

(4) progressive erosion of voluntary compliance threatens the fiscal integrity of our public finances and the confidence of our citizens in the Federal Government's capacity to govern; and

(5) a number of plans, each designed to simplify and reform the Tax Code, have been before the Congress for a time sufficient to allow for extensive analysis and evaluation.

(b) It is therefore the sense of the Congress that tax reform should be adopted as soon as possible, and that it should incorporate the following principles and objectives:

(1) efficiency and responsiveness to market conditions in the economic activities of American businesses and consumers;

(2) simplicity of structure and lower marginal tax rates;

(3) a fair and equitable distribution of the tax burden among all taxpayers, with relief for those below the poverty level, and incentives to bring them into the work force;

(4) a broader tax base, with deductions essential to avoid genuine hardship or to protect the economic security of the American people; and

(5) increased incentives for work, saving, and investment.

CBO SCOREKEEPING REQUIREMENTS

SEC. 5. It is the sense of the Senate that because the Senate requires timely reporting of legislative action on spending bills, and because the Senate requires continual control over the budget, the Director of the Congressional Budget Office shall issue a weekly report during periods when the Senate is in session detailing and tabulating the progress of congressional action on bills and resolutions providing new budget authority and changing revenues and the public debt for a fiscal year, including, but not limited to the requirements set forth in Public Law 93-344, section 308(b).

31 USC 1329.

FARM LOSS DEDUCTION

SEC. 6. It is the sense of the Senate that revenues should be increased and it is assumed that tax legislation will be enacted to limit to the national median family income the amount of farm loss which may be deducted against nonfarm income, and it is further assumed that revenues derived from enactment of such legislation be used to reduce individual income tax rates and to assure that full-time, family-size farm operators will not be disadvantaged by unfair competition from high-income taxpayers with substantial nonfarm income.

ENHANCED TAX LAW ENFORCEMENT

SEC. 7. It is the sense of the Congress that revenues should be increased and it is assumed that the Committees on Finance and Ways and Means will develop legislation to reduce the tax enforcement gap, estimated by the Internal Revenue Service at \$92,000,000,000 in fiscal year 1986. It is further assumed that such legislation should provide for increased and improved enforcement and collection, through audits, examinations, and other steps designed to identify and eliminate tax cheating and increase revenue collections from individuals and corporations currently evading Federal taxes, and that the legislation should include steps designed to

increase voluntary compliance with tax laws and that such steps may include increased staff for taxpayer assistance, speedier processing of returns and provision of public information designed to build public trust and understanding of Internal Revenue Service enforcement efforts and that such legislation should also provide that the resources of the Internal Revenue Service shall be increased to accomplish full enforcement of United States tax laws, increasing voluntary compliance.

INTERNATIONAL MONETARY CONFERENCE

SEC. 8. It is the sense of the Congress that the Administration should consider convening a high level meeting of the major industrial countries for the express purpose of exploring options to improve the functioning of the international monetary system, including measures to stabilize currency exchange rates, reduce interest rates, promote maximum domestic and world economic growth, and help assure domestic price stability.

COMMITTEE REVIEW OF THE PRESIDENT'S PRIVATE SECTOR SURVEY ON COST CONTROL

SEC. 9. It is the sense of the House of Representatives that—

(1) each of its standing committees should review and study, on a continuing basis, those portions of the President's Private Sector Survey on Cost Control affecting subjects within its jurisdiction;

(2) each of its standing committees should, in its consideration of any bill or joint resolution of a public character within its jurisdiction, review those portions of the President's Private Sector Survey on Cost Control pertaining to such bill or resolution; and

(3) each report of any such committee on a bill or joint resolution of a public character should contain—

(A) an identification of each recommendation of the President's Private Sector Survey on Cost Control implemented in such bill or resolution and the estimated dollar amount of program cost savings or revenue enhancement as a result of the implementation of each such recommendation; and

(B) a statement setting forth each recommendation of the President's Private Sector Survey on Cost Control pertaining to such bill or resolution, the disposition of each such recommendation, and the reasons for such disposition.

LIMITATION ON BENEFITS TO ALIENS

SEC. 10. It is the sense of the Congress that functional totals should be reduced to reflect a limitation on the amount of social security benefits paid to illegal and nonresident aliens. It is assumed that the Finance Committee and the Ways and Means Committee will report legislation to accomplish the required changes in law. Such legislation may limit benefits to the amount of wage-earner's contribution plus interest, unless the wage-earner is a citizen of a country with which the United States has a treaty or totalization agreement and that this provision would apply to individuals becoming eligible on or after January 1, 1986.

Agreed to August 1, 1985.

Sept. 12, 1985
[S. Con. Res. 61]

PETER EDWARD ROSE—COMMENDATION
ON ACCOMPLISHMENTS IN BASEBALL

Whereas Peter Edward Rose has become the all-time leader in base hits in the history of the American Pastime, Major League Baseball, by surpassing the record of four thousand one hundred and ninety-one of the great Ty Cobb;
Whereas Pete Rose has played in more winning games than any other player in Major League history;
Whereas Pete Rose won three National League batting titles in 1968, 1969, and 1973;
Whereas Pete Rose was named National League Rookie of the Year in 1963, National League Most Valuable Player in 1973, and the World Series Most Valuable Player in 1975;
Whereas Pete Rose was named the National League Player of the Decade for the period 1970 through 1979 by the "The Sporting News";
Whereas Pete Rose has been named to the National League All-Star Team sixteen times, including ten straight years (1973 through 1982), and has started at five different positions in All-Star games;
Whereas Pete Rose has played in seven National League Championship Series and six World Series; and
Whereas Pete Rose holds all-time Major League records for most games played; for most at-bats; for most singles; for most hits by a switch-hitter; for most total bases by a switch-hitter; for most seasons of two hundred or more hits; for most seasons of one hundred and fifty or more games; and for highest fielding percentage by an outfielder for one thousand or more games: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress to commend Peter Edward Rose on the achievement of becoming the all-time Major League leader in base hits and to recognize all the accomplishments and the inspirational manner in which Pete Rose has played the game of baseball, the National Pastime.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to Peter Edward Rose.

Agreed to September 12, 1985.

Sept. 19, 1985
[S. Con. Res. 62]

DR. ELENA BONNER AND DR. ANDREI SAKHAROV—U.S.S.R. DISMISSAL OF CHARGES
AGAINST AND RESTORATION OF BASIC FREEDOMS

Whereas, the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion, and expression;
Whereas, this same Declaration states that "no one shall be subjected to arbitrary arrest, detention, or exile"; and that "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence";

Whereas, the Declaration further states that “everyone has the right to freedom of movement and residence within the borders of each State”, and that “everyone has the right to leave any country, including his own, and to return to his country”;

Whereas, the International Covenant on Civil and Political Rights provides that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”, and that “everyone shall be free to leave any country, including his own”, and that “no one shall be arbitrarily deprived of the right to enter his own country”;

Whereas, the Final Act of the Conference on Security and Cooperation in Europe provided that each of the “participating states will respect human rights and fundamental freedoms, including the freedom of thought (and) conscience . . . for all”, and recognized that all human rights “derive from the inherent dignity of the human person”;

Whereas, this same Act pledged that the participating states would “deal in a positive and a humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old”; whereas, the Act further commits participating states “to facilitate wider travel by their citizens for personal or professional reasons”;

Whereas, the Act specifically affirms the “right of the individual to know and act upon his rights and duties” under the agreement and affirms the positive role individuals play in the implementation of the Act;

Whereas, the Union of Soviet Socialist Republics signed the Final Act of the Conference on Security and Cooperation in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas, Nobel Laureate Andrei Sakharov, who, exercising his right as an individual to monitor compliance with the Final Act, had become a leader of the human rights movement in the Soviet Union, was arrested and exiled to Gorky in direct contravention of the above-mentioned human rights agreements;

Whereas, his wife Elena Bonner, as a result of her efforts to exercise her right of self-expression, has been detained and charged with anti-Soviet agitation;

Whereas, Dr. Bonner is thought to be in urgent need of medical attention available only in the West;

Whereas, Dr. Sakharov is reported to have undertaken a hunger strike, to the point of endangering his health;

Whereas, communication between the Sakharovs in the Soviet Union and their children and stepchildren in the United States has been repeatedly interrupted, delayed, and tampered with by the Soviet authorities;

Whereas, the absence of reliable communications between the branches of the family has created serious doubt as to the state of well-being of Dr. Sakharov and Dr. Bonner;

Whereas, Mr. Alexei Semyonov, the stepson of Dr. Sakharov and the son of Dr. Bonner, has embarked on a hunger strike to dramatize the plight of his family and to protest the cruel obstruction of his efforts to communicate with his loved ones;

Whereas, Mr. Semyonov has demanded a visitor's visa to visit the Soviet Union so that he can reassure himself with his own eyes that his parents are alive and well: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that, in accordance with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe, the Soviet Union should drop all charges against Dr. Elena Bonner, restore to her and Dr. Andrei Sakharov the full rights to travel (domestic and international) and free expression, allow unimpeded correspondence between them and their relatives and friends in the West, and allow Alexei Semyonov permission to visit them in the Soviet Union.

SEC. 2. The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the blatant and repeated violations of the Sakharov's rights by the Soviet authorities, and

(2) to call upon all other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join in such protests.

SEC. 3. The Secretary of the Senate shall transmit copies of this resolution to the Ambassador of the Soviet Union to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

Agreed to September 19, 1985.

Oct. 23, 1985

[S. Con. Res. 79]

CORRECTIONS IN ENROLLMENT OF H.R. 2409

Ante, p. 820.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 2409) to amend the Public Health Service Act to revise and extend the authorities under that Act relating to the National Institutes of Health and National Research Institutes, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In the proposed section 406(a)(3)(B), strike out "disease" and insert in lieu thereof "diseases".

(2) In the proposed section 408(a)(2)(B), strike out "\$90,000 for fiscal year 1987, and \$98,000" and insert in lieu thereof "\$90,000,000 for fiscal year 1987, and \$98,000,000".

(3) In the proposed section 436(b)(2), insert a comma after "rehabilitation".

(4) Redesignate the proposed section entitled "STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL" as section 489.

(5) In the proposed section 495(c), insert "of" after "date of enactment".

(6) In the proposed section 497, strike out "or national" and insert in lieu thereof "or a national".

(7) In the proposed section 442(f), strike out "Advisory" and insert in lieu thereof "Advisory".

(8) In the proposed section 487(c)(4)(A), strike out “ $A=\phi(t-s/t)$ ” and insert in lieu thereof

$$“A=\phi\left(\frac{t-s}{t}\right)”.$$

Agreed to October 23, 1985.

EDUCATION OF ALL HANDICAPPED CHILDREN ACT OF 1975—TENTH ANNIVERSARY COMMEMORATION

Oct. 29, 1985
[S. Con. Res. 71]

Whereas part B of the Education of the Handicapped Act, commonly known as Public Law 94-142 (The Education for All Handicapped Children Act), was signed into law ten years ago on November 29, 1975;

20 USC 1401
note.

Whereas Public Law 94-142 established as policy for the United States of America the principle that all children, regardless of disabling condition, have the right to a free, appropriate public education in the least restrictive setting;

Whereas Public Law 94-142 currently serves over 4,000,000 handicapped children;

Whereas Public Law 94-142 ensures the full partnership between parents of children with disabilities and education professionals in design and implementation of the educational services to be provided handicapped children;

Whereas Public Law 94-142 has greatly enriched the classrooms of the Nation by allowing the potential of children with disabilities to be developed, together with the potential of nondisabled youngsters;

Whereas Public Law 94-142 has greatly enriched America's society as a whole by providing the means for disabled youngsters to contribute to the social and economic progress of the United States; and

Whereas Public Law 94-142 has succeeded even beyond the expectations of congressional supporters in marshalling the resources of the Nation to fulfill the promise of full participation in society of disabled youngsters: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),
That the Congress—

(1) recognizes the 10th anniversary of the enactment of Public Law 94-142 and the successful implementation of that law;

(2) acknowledges the many and varied contributions by disabled youngsters, parents, teachers, and administrators; and

(3) reaffirms its support for Public Law 94-142 and the primary goal of Public Law 94-142 that all children, regardless of disabling condition, have the right to a free, appropriate public education in the least restrictive setting.

Agreed to October 29, 1985.

Nov. 7, 1985
[H. Con. Res. 207]

HIGHER EDUCATION ACT OF 1965—TWENTIETH ANNIVERSARY RECOGNITION

20 USC 1001
note.

Whereas the Higher Education Act of 1965 was signed into law on November 8, 1965, by President Lyndon Baines Johnson on the campus of Southwest Texas State University, his alma mater; Whereas over its twenty-year history this landmark legislation has contributed significantly to the development of the Nation by increasing its investment in human capital, thereby fostering economic growth, enriching civic and cultural life, and strengthening the national security;

Whereas the Act has brought closer to fulfillment the goal of providing an opportunity for postsecondary education for all qualified students through grants, loans, work-study and student service programs;

Whereas the Act has improved the quality of education through support to college libraries, construction of academic facilities, graduate study fellowships, developing institutions, foreign language and area studies improvements, and other institutional programs which advance national priorities such as cooperative education and continuing education for adult learners;

Whereas the Act has been periodically amended with broad bipartisan support, including major expansion of Federal student assistance programs in 1972, extension of eligibility to students from middle-income families in 1978 and revision of the Act in 1980;

Whereas in considering the reauthorization of the Act, Congress is now examining the unfinished agenda of American higher education: reaching the significant number of youths who still do not reach their full potential, providing new opportunities for adult learners to remain creative and productive, improving the training of teachers, renovating campuses, and sustaining graduate education and scholarship;

Whereas Southwest Texas State University will observe the twentieth anniversary of the signing of the Higher Education Act on November 8, 1985, with special ceremonies on the campus;

Whereas the House Postsecondary Education Subcommittee will hold a hearing on the reauthorization of the Higher Education Act at Southwest Texas State University on November 8, 1985: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the twentieth anniversary of the Higher Education Act of 1965 and the important role that legislation has played in the Nation's development; and

(2) reaffirms the historic partnership between the Federal Government and the colleges and universities toward the development of human resources required for an increasingly complex and technological society.

Agreed to November 7, 1985.

“HOW OUR LAWS ARE MADE”

Nov. 12, 1985
[H. Con. Res. 203]

Resolved by the House of Representatives (the Senate concurring), That the revised edition of the brochure entitled “How Our Laws Are Made” shall be printed as a House document, with a suitable paper cover in the style selected by the chairman of the Committee on the Judiciary of the House of Representatives and with a foreword by the Honorable Peter W. Rodino, Junior. In addition to the usual number, there shall be printed two hundred and forty-six thousand copies of the brochure for the use of the House of Representatives (of which twenty-five thousand shall be for the use of the Committee on the Judiciary) and there shall be printed fifty-two thousand copies of the brochure for the use of the Senate.

Printing as
House
document.

Agreed to November 12, 1985.

PRESIDENT FERDINAND MARCOS’ PLEDGE FOR
FREE AND FAIR ELECTIONS IN THE PHILIPPINES—
NOTATIONNov. 14, 1985
[H. Con. Res. 232]

Whereas the United States and the Republic of the Philippines have strong ties born of shared historical experiences and common interests;

Whereas the security of the Philippines is of vital importance to United States security;

Whereas the Republic of the Philippines is experiencing serious political, economic, and security problems which directly threaten the stability of the country and the well-being of the Filipino people;

Whereas reinvigoration of Philippine democratic institutions offers the best means of restoring public confidence in the government and of defeating the growing Communist insurgency;

Whereas the Congress has stated that when considering further provision of economic and military assistance to the Philippines, it intends to take into account the degree to which democratic reforms are taking place in that country;

Whereas the United States imparted a legacy of democracy to the Philippines which includes the holding of elections at all levels of government; and

Whereas President Ferdinand Marcos has indicated his intention to seek an early Presidential election: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) notes the pledge of President Marcos for free and fair elections in the Philippines; and

(2) believes that in order to provide institutional guarantees for an honest election which will be deemed credible by the Filipino people, it is important that the following steps be taken:

(A) Determination of the timing and modalities of the election in accordance with the Constitution of the Philippines.

(B) Appointment of an impartial Commission on Elections (COMELEC) staffed by politically independent commissioners.

(C) Timely accreditation of a freely functioning, politically independent, citizens election monitoring organization which has access to all polling places in the country and to all phases of the electoral process, and which is able to report all of its findings fully and in a timely fashion.

(D) Adequate access to radio, television, and the print media for members of the democratic opposition during the entire campaign period.

(E) Neutral conduct by the Philippine military establishment.

Agreed to November 14, 1985.

JOINT MEETING

Nov. 21, 1985
[H. Con. Res. 234]

Communication
to President.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, November 21, 1985, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to November 21, 1985.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Nov. 21, 1985
[H. Con. Res. 235]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, November 21, 1985, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, and that when the Senate adjourns on Thursday, November 21, 1985, or Friday, November 22, 1985, or on Saturday, November 23, 1985, pursuant to a motion made by the Majority Leader, in accordance with this resolution, they stand adjourned until 12 o'clock meridian on Monday, December 2, 1985.

Agreed to November 21, 1985.

DR. MARTIN LUTHER KING, JR.—BUST PLACEMENT IN CAPITOL ROTUNDA

Dec. 9, 1985
[S. Con. Res. 84]

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Library is authorized to place temporarily in the rotunda of the Capitol in January of 1986 the

bust of the late Doctor Martin Luther King, Junior, as authorized by House Concurrent Resolution 153, Ninety-seventh Congress, and to hold dedication ceremonies in the rotunda at that time. This bust shall remain on display in the rotunda for a period not to exceed one year, after which time the bust shall be moved to its permanent location. The Architect of the Capitol is authorized to make the necessary arrangements for the placement of the bust.

SEC. 2. (a) The proceedings of the dedication ceremony in the rotunda of the Capitol at the presentation by the Joint Committee on the Library of the bust of the late Doctor Martin Luther King, Junior, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such document shall be prepared under the direction of the Joint Committee on the Library.

(b) The Joint Committee on Printing shall bind and print five thousand additional copies of the Senate document prepared pursuant to subsection (a), in such style as the Joint Committee on Printing shall direct, and shall make such copies available to the Joint Committee on the Library for further distribution.

Agreed to December 9, 1985.

CORRECTION IN ENROLLMENT OF H.J. RES. 372

Dec. 11, 1985

[H. Con. Res. 246]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the joint resolution (H.J. Res. 372) the Clerk of the House shall make the following correction: in title II, strike out "subsection (a)" in subsection 302(f) as proposed to be inserted into the Congressional Budget Act of 1974, and insert: "subsection (b)".

Ante, p. 1037.

Approved December 11, 1985.

NORTHERN IRELAND PEACE AGREEMENT— COMMENDATION OF GOVERNMENTS OF IRELAND AND UNITED KINGDOM

Dec. 12, 1985

[H. Con. Res. 239]

Whereas all peace-loving people desire a just and lasting solution to the problems of Northern Ireland;

Whereas violence and terrorism in Northern Ireland and all those who support it should be strongly condemned, and the effort to achieve peace and reconciliation through political means should be supported;

Whereas the report of the New Ireland Forum of May 2, 1984, which condemned violence and those who support it, made an important contribution to the Anglo-Irish negotiations over the past year;

Whereas the Prime Ministers of Ireland and the United Kingdom signed an agreement in Hillsborough, Northern Ireland, on November 15, 1985, which provides a basis for progress towards peace, stability, and an end to violence in Northern Ireland;

Whereas this agreement provides for an unprecedented role for the Government of Ireland in relation to Northern Ireland;

Whereas this agreement affirms that any change in the status of Northern Ireland would only come about with the consent of the majority of the people of Northern Ireland;

Whereas this agreement declares that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, the Governments of Ireland and the United Kingdom will introduce and support in the respective Parliaments legislation to give effect to that wish;

Whereas the agreement envisages the possibility of securing international support to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of violence of recent years;

Whereas the Parliaments of Ireland and the United Kingdom have given their solemn and respectful approval to this historic agreement;

Whereas on August 30, 1977, President Carter stated that in the event of a peaceful settlement in Northern Ireland, "the U.S. Government would be prepared to join with others to see how additional job-creating investment could be encouraged to the benefit of all the people in Northern Ireland";

Whereas on November 15, 1985, President Reagan stated that "I will be working closely with the Congress in a bipartisan effort to find tangible ways for the United States to lend practical support to this important agreement"; and

Whereas this agreement should be supported by all those who seek peace, stability, and an end to violence in Northern Ireland and the reconciliation of the two major traditions in Ireland: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) the Congress commends the Government of Ireland and the Government of the United Kingdom for their achievement in reaching an agreement which charts a way towards peace, stability, and an end to violence in Northern Ireland.

(b) The Congress declares its willingness to work with the President in supporting the Anglo-Irish agreement through appropriate United States assistance, including economic and financial support, to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of the violence of recent years.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this concurrent resolution to the President.

Agreed to December 12, 1985.

Dec. 12, 1985
[H. Con. Res. 247]

RETURN, REENROLLMENT, AND CORRECTIONS IN ENROLLMENT OF H.R. 3003

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is requested to return to the House of Representatives the enrolled bill (H.R. 3003) relating to the conveyance of certain land located in the State of Maryland to the Maryland National Capital Park and Planning Commission. The

Clerk of the House is authorized to receive such bill if it is returned when the House is not in session. Upon the return of such bill, the action of the Speaker of the House of Representatives and the Acting President pro tempore of the Senate in signing it shall be deemed rescinded and the Clerk of the House shall reenroll the bill with the following corrections:

In subsection (a)(1) of the first section of the engrossed bill, after “authorized” insert “and directed”.

In subsection (b)(1) of the first section of the engrossed bill, immediately before the words “property contingent upon each of the following” strike out the word “proposed” and insert in lieu thereof the words “adjacent real”.

In subsection (b)(3)(B) of the first section of the engrossed bill, after “upon approval of” strike out “a” and insert “any”.

Agreed to December 12, 1985.

NATIONAL CAMP FIRE ORGANIZATION— SEVENTY-FIFTH ANNIVERSARY COMMEMORATION

Dec. 12, 1985
[S. Con. Res. 69]

Whereas the National Camp Fire Organization is celebrating its seventy-fifth anniversary during 1985;

Whereas Camp Fire has chosen to commemorate this significant anniversary in a national celebration of friendship;

Whereas Camp Fire councils offer young people opportunities to develop important friendships through informal educational programs for youth through the age of twenty-one;

Whereas in Camp Fire, recognition of accomplishments is combined with encouragement to use developing skills in service to others in the community; and

Whereas Camp Fire is to be commended for the opportunities for friendship the program offers young people throughout the Nation, and for the many services young people perform for the community as Camp Fire members: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),
That the Congress hereby recognizes the seventy-five years of service given by Camp Fire to the Nation.

Agreed to December 12, 1985.

“DEFENSE ORGANIZATION: THE NEED FOR CHANGE”

Dec. 12, 1985
[S. Con. Res. 80]

Resolved by the Senate (the House of Representatives concurring),
That there shall be printed 2,000 additional copies of the Committee Print of the Committee on Armed Services (99th Congress, 1st Session) entitled “Defense Organization: The Need for Change”, to be furnished to the Committee on Armed Services.

Printing of
additional
copies.

Agreed to December 12, 1985.

Dec. 13, 1985
[S. Con. Res. 85]

**“BIOGRAPHICAL DIRECTORY OF THE UNITED
STATES CONGRESS, 1774–1989:
BICENTENNIAL EDITION”**

Printing as
Senate
document.

Resolved by the Senate (the House of Representatives concurring), That (a) the Joint Committee on Printing shall publish and there shall be printed as a Senate document (with such illustrations and in such style and form as may be directed by the Joint Committee on Printing) a revised edition of the Biographical Directory of the American Congress for the period ending with the One Hundredth Congress (1774–1989). In celebration of the Bicentennial of the United States Congress, the revised edition shall be known as the “Biographical Directory of the United States Congress, 1774–1989: Bicentennial Edition”.

(b) The Historian of the Senate and the Historian of the House of Representatives shall provide appropriate biographical data and other material for the revised edition, including data for—

(1) Senators and individuals who have served in both the Senate and the House of Representatives, to be provided by the Historian of the Senate; and

(2) Members of the House of Representatives (including Delegates and Resident Commissioners), to be provided by the Historian of the House of Representatives.

(c) In addition to the usual number, there shall be printed 7,985 copies of the revised edition, of which 2,045 copies shall be for the use of the Senate, 5,390 copies shall be for the use of the House of Representatives, and 550 copies shall be for the use of the Joint Committee on Printing.

Agreed to December 13, 1985.

Dec. 13, 1985
[H. Con. Res. 230]

**“1984: CIVIL LIBERTIES AND
THE NATIONAL SECURITY STATE”**

Printing of
additional
copies.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, for the use of the Committee on the Judiciary of the House of Representatives, 500 additional copies of the transcript of hearings before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, entitled “1984: Civil Liberties and the National Security State”.

Agreed to December 13, 1985.

Dec. 19, 1985
[H. Con. Res. 263]

**RESCINDING APPROVAL OF H. CON. RES. 262 AND
CORRECTION IN ENROLLMENT OF H.J. RES. 187**

Ante, p. 1770.

Resolved by the House of Representatives (the Senate concurring), That the approval of H. Con. Res. 262, correcting the enrollment of H.J. Res. 187, is hereby rescinded and in lieu thereof the Clerk of the House of Representatives shall make the following correction in the enrollment of said H.J. Res. 187, to approve the “Compact of Free Association”, and for other purposes:

In the second sentence of subsection (l) of section 105, after the words "Fish and Wildlife Service," insert "the National Marine Fisheries Service,".

Agreed to December 19, 1985.

CORRECTIONS IN ENROLLMENT OF H.R. 2100

Dec. 19, 1985
[H. Con. Res. 264]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 2100, to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes, the Clerk of the House shall make the following corrections:

Ante, p. 1354.

In title XIII, after section 1304 insert the following section:

"INTEREST RATES—WATER AND WASTE DISPOSAL FACILITY AND COMMUNITY FACILITY LOANS

"SEC. 1304A. Section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A)) is amended by—

"(1) striking out 'where the median family income of the persons to be served by such facility is below the poverty line prescribed by the Office of Management and Budget, as adjusted under section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d)' and inserting in lieu thereof 'where the median household income of the persons to be served by such facility is below the higher of 80 per centum of the statewide nonmetropolitan median household income or the poverty line established by the Office of Management and Budget, as revised under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))'; and

"(2) inserting before the period at the end thereof the following: 'and not in excess of 7 per centum per annum on loans for such facilities that do not qualify for the 5 per centum per annum interest rate but are located in areas where the median household income of the persons to be served by the facility does not exceed 100 per centum of the statewide nonmetropolitan median household income'."

Amend the table of contents in section 2 of the bill accordingly.

Agreed to December 19, 1985.

FORMER PRESIDENTIAL YACHT SEQUOIA—RECOGNITION

Dec. 19, 1985
[S. Con. Res. 98]

Whereas the former Presidential yacht Sequoia served eight Presidents of the United States, from Herbert Hoover to Gerald R. Ford, over a period of forty-four years;

Whereas the Sequoia was the setting for Presidential meetings, negotiations and decisions of extraordinary significance for and effect on the history of the United States and the course of world events;

Whereas the Sequoia was disposed of in 1977 to reduce Federal expenditures;

Whereas in recognition of Sequoia's unique historical significance, the private, bipartisan, and nonprofit Presidential Yacht Trust was established in 1981 for the purpose of restoring and preserving Sequoia;

Whereas since 1981 many Americans have visited the Sequoia and demonstrated support for her preservation and return to service;

Whereas in response to this support, the Presidential Yacht Trust, in consultation with the United States Navy, has determined that the proper future of the Sequoia is her return to Government service in the United States Navy as the Presidential yacht; and

Whereas the Presidential Yacht Trust has taken steps to fully restore the Sequoia by November 15, 1988, to donate her to the Navy as a gift of the Presidential Yacht Trust and the American people, and to establish an endowment sufficient for her future operation and maintenance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),
That Congress—

(1) recognizes the unique significance of the former Presidential yacht Sequoia which has made her a symbol of American political heritage and the Office of the President;

(2) supports the plans of the Presidential Yacht Trust to donate the Sequoia, with an endowment sufficient for her operations and maintenance, to the United States Navy for service once again as the Presidential yacht.

Agreed to December 19, 1985.

Dec. 20, 1985

[H. Con. Res. 267]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring),
That when the House adjourns on Friday, December 20, 1985, pursuant to a motion made by the Majority Leader or his designee, it stand adjourned sine die and that when the Senate adjourns on Friday, December 20, 1985, pursuant to a motion made by the Majority Leader or his designee, it stand adjourned sine die, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House, after consultation with the Minority Leader of the House, and the Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, acting jointly, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Agreed to December 20, 1985.

PROCLAMATIONS

Proclamation 5260 of October 16, 1984

World Food Day, 1984

By the President of the United States of America

A Proclamation

The United States has a long tradition of sharing its rich agricultural abundance and technical expertise with those in need, and of leading the world-wide effort to eliminate hunger. All nations are not equally endowed with food potential, and the struggle against hunger continually presents us with challenges which sometimes appear overwhelming. However, we will not be diverted from our intention to achieve victory over world hunger.

The United States is dedicated to the proposition that real progress in eliminating hunger will be realized when more nations are able to produce or purchase enough food for their own people. It is heartening that the re-surging economy of the United States is helping other nations toward new economic expansion, with lower rates of inflation and rising output in many countries.

This Nation—indeed, all nations—should move forward with domestic policies that encourage growth. At the same time we must vigorously resist policies which inhibit growth or discourage free and equitable international trade in food products.

Since the enactment of the Eisenhower Food for Peace Program in 1954, the American people have provided more than \$33 billion in food aid to 164 nations. Thousands of technical experts have been sent to Africa, Asia, Latin America, and the Middle East to assist in the development of agricultural projects. We have trained tens of thousands of agriculturalists from developing nations to help them in building a sound economic foundation in their countries.

These efforts by other industrial countries and the United States have yielded promising results. Food production per person has increased 21 percent in the developing countries since 1954. Consumption of calories per capita has increased 7.5 percent since 1963. Unfortunately, Africa's progress in food production or the consumption of calories per capita have not shown equally encouraging results.

This year, the United States supports efforts by the Food and Agriculture Organization of the United Nations to recognize the role of women in agricultural development in the Third World. In some less developed countries, women and children constitute 80 percent or more of the agricultural work force—yet, rarely aided by modern agricultural technology, research or adequate training. We strongly support efforts to improve the efficiency of their agricultural techniques.

In recognition of the need to increase public awareness of world hunger, the Congress, by Senate Joint Resolution 332, has proclaimed October 16, 1984, as "World Food Day" and has authorized and requested the President to issue a proclamation in observance of that day.

98 Stat. 2207.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby call upon the people of the United States to observe October 16, 1984, as World Food Day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5261 of October 15, 1984**Myasthenia Gravis Awareness Week, 1984**

By the President of the United States of America

A Proclamation

For most of us, combing our hair or crossing the room to turn on the light are simple, routine tasks. But for more than 100,000 Americans who suffer from myasthenia gravis, these everyday activities are enough to exhaust them for hours.

Myasthenia gravis is a serious neuromuscular disease whose cause is not yet known. It can strike anyone at any time, draining people of their vitality, producing muscle weakness and abnormally rapid fatigue.

Though there is still much to be learned, scientists now know that myasthenia gravis depletes its victim of an essential chemical—without which nerve cells cannot tell muscles to work. Based on this knowledge, scientists have made important progress in managing this disorder. Today, several new forms of treatment are available, and myasthenia gravis patients can expect to lead nearly normal lives.

But because we still do not know how to prevent this disease, the quest for answers continues. Scientists supported by the Myasthenia Gravis Foundation and the Federal government's National Institute of Neurological and Communicative Disorders and Stroke remain dedicated to this crucial research effort. These investigators are inspired by the courage and tenacity shown by myasthenia gravis patients and their families.

In order that the public be made aware of myasthenia gravis and the need to conquer this debilitating disorder, the Congress, by Senate Joint Resolution 295, has designated the week of October 14 through October 20, 1984, as "Myasthenia Gravis Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 14, 1984, as Myasthenia Gravis Awareness Week. I call upon all government agencies, health organizations, communications media, and people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5262 of October 18, 1984**National Head Injury Awareness Month, 1984**

By the President of the United States of America

A Proclamation

Head injury is a very serious national health problem. As many as 700,000 Americans are hospitalized every year for head injuries caused by motor vehicle accidents, sporting mishaps, and falls. Of these patients, roughly

000 die. Another 50,000—mostly under the age of 30—suffer permanent brain damage that prevents them from returning to schools, jobs, or normal lives.

Each of these grim statistics represents a person whose bright future was suddenly and tragically altered. Added to each victim's suffering is the emotional and financial burden the family must bear. The total cost to the Nation for special care and lost productivity is enormous.

Health care professionals and educators throughout our Nation are helping those with head injuries to live as normally as possible. Through rehabilitation therapy and vocational counseling, many head injury patients are learning to lead productive lives in our society. Such efforts have been promoted by two voluntary health agencies: the National Head Injury Foundation and the Family Survival Project for Brain-Damaged Adults.

Medical research is also the source of increased hope. Investigators supported by the National Institute of Neurological and Communicative Disorders and Stroke are acquiring new information about what happens to the brain as a result of head injury. Leads from these studies will help scientists develop effective treatments to limit or prevent brain damage. With the combined support of voluntary health agencies and the Federal Government, the tragedy of head injury can be substantially reduced.

To encourage public recognition of and compassion for the complex problems caused by head injury, the Congress, by House Joint Resolution 638, designated the month of October 1984 as "National Head Injury Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

98 Stat. 2716.

Now, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of October 1984 as National Head Injury Awareness Month. I call upon all government agencies, health organizations, communications media, and people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5263 of October 18, 1984

National Forest Products Week, 1984

The President of the United States of America
Proclamation

From an industrious and imaginative people, no single natural resource has contributed more to the economic and social growth of this mighty Nation than its forests. Without forests to provide the renewable materials for our Nation, American history would have been written differently. Without the amazing power of forests to give birth to our great rivers and hold our soil in place, the United States would be much less productive. Without their great diversity as habitat and food source for wildlife, our rich array of fish, birds, and wildlife could not exist. These benefits from our vast forests have made this an abundant land.

The foresight we have shown in wise protection and use of forests ensures that they will continue to contribute to a bright future. Although a third of the United States—some 737 million acres—is forested, such continued abundance was in doubt at the beginning of this century. Forests were disappearing at an alarming rate, and timber famine was predicted. The forest conservation leadership of such people as President Theodore Roosevelt and the Nation's first trained forester, Gifford Pinchot, reversed that trend, leaving a legacy for which present and future generations can be deeply thankful.

The conservation legacy demonstrates that forests can be protected, while also being used for the economic and social benefit of mankind. Wood for our Nation's products is harvested from the vast forests but, like our food crops, new trees must be planted for the next generation. This simple, but critical, principle has proved its enduring worth beyond the dreams of the conservation pioneers. Each year we enjoy an abundance of harvest timber and, as a result, jobs for millions of workers in related industries.

To promote greater awareness and appreciation for the multiple benefits of our forest resources to the United States and world economy, the Congress, by Public Law 86-753 (36 U.S.C. 163), has designated the week beginning on the third Sunday in October as National Forest Products Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 21, 1984, as National Forest Products Week and request that all Americans express their appreciation for the Nation's forests through suitable activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5264 of October 18, 1984

Lupus Awareness Week, 1984

*By the President of the United States of America
A Proclamation*

Systemic lupus erythematosus (also known as lupus or SLE) is an inflammatory disease of connective tissue, which can produce changes in the structure and function of the skin, joints, and internal organs. Most often found in young women, lupus affects more than 500,000 victims. Ninety percent of these victims are women in the prime of life.

In recent years, the outlook for lupus patients has improved due to extensive and vigorous research. Positive results have emerged from studies uncovering several diverse defects of the immune system and from research on genetic and environmental factors influencing the disease. Studies on estrogen metabolism, data systems development and epidemiology have been fruitful. Evaluations of the course and treatment of the disease and its complications, and studies aimed at developing improved treatment, including new drugs and techniques, are all proving useful.

In order for us to take advantage of the knowledge already gained, public awareness of the characteristics and treatment of lupus—and of the need for continuing scientific research—remains essential. The Federal govern-

at and private voluntary organizations have developed a strong and en-
ing partnership committed to lupus research. I am confident that this
certed effort will ultimately uncover the cause and cure for this devas-
ng disease.

recognition of the need for greater public awareness of lupus, the Con-
ss, by Senate Joint Resolution 239, has designated the week of October
hrough October 27, 1984, as "Lupus Awareness Week" and authorized
requested the President to issue a proclamation in observance of this
ek.

98 Stat. 230.

W, THEREFORE, I, RONALD REAGAN, President of the United States
America, do hereby proclaim the week of October 21 through October 27,
t, as Lupus Awareness Week, and I call upon the people of the United
es to observe this week with appropriate ceremonies and activities.

WITNESS WHEREOF, I have hereunto set my hand this eighteenth day
October, in the year of our Lord nineteen hundred and eighty-four, and of
Independence of the United States of America the two hundred and
h.

RONALD REAGAN

clamation 5265 of October 18, 1984

National Women Veterans Recognition Week, 1984

the President of the United States of America
proclamation

I honored indeed to bring to the Nation's attention the remarkable con-
tributions of women veterans. During World War I, the service of women
active duty as nurses, shipyard personnel, and battlefield telephone op-
ers was indispensable. In World War II, women served in support and
ational capacities around the world. Since World War II, women have
n fully integrated into the military services. Today there are more than
million women veterans.

active participants in America's defense, women serving in the Armed
es have safeguarded our heritage. Their courage, selflessness, and dedi-
on to duty deserve our deepest gratitude. Let us revere always the
ory of those who gave their lives in military service; let us honor anew
e who served valiantly on landing beaches, in field hospitals, and in
oner-of-war camps.

laws grant equal rights, privileges, and benefits to women veterans;
my Administration will continue to ensure that women veterans are af-
ed the benefits and services to which they are entitled. I know that all
ericans join me in saluting these patriotic and dedicated women and in
pressing the Nation's appreciation for their service.

order to show our appreciation for the contributions of women veterans,
Congress, by Senate Joint Resolution 227, has designated the week be-
ing November 11, 1984, as "National Women Veterans Recognition
ek" and authorized and requested the President to issue a proclamation
bservance of this week.

98 Stat. 1685.

W, THEREFORE, I, RONALD REAGAN, President of the United States
America, do hereby proclaim the week beginning November 11, 1984, as
onal Women Veterans Recognition Week.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5266 of October 19, 1984

A Time of Remembrance for All Victims of Terrorism Throughout the World

By the President of the United States of America

A Proclamation

Terrorism poses an insidious challenge to the principles of freedom cherished by peace-loving peoples everywhere. Despicable acts such as the recent attack on Prime Minister Thatcher in England, the bombings of our Marine Amphibious Unit Headquarters, and of our Embassy facilities in Beirut, Lebanon, represent an attempt to strike at the very heart of Western democratic values. In the month of September, 37 attacks were carried out by 13 different terrorist groups affecting the people of 20 nations.

As a world power, the United States bears global responsibilities from which we must not shrink in the face of cowardly attempts at intimidation. Instead, we must strive to carry forward the heroic legacy of those brave people who, in the search for peace and justice, have lost their lives to international terrorism. Because terrorism poses such a pervasive and insidious threat to all free peoples and claims so many innocent victims in its indiscriminate brutality, we of the Western democracies have embarked on a course of improved cooperation to counter this scourge against humanity. To this end, it is appropriate that we reflect on the tragic loss of life that senseless terror leaves in its wake throughout the world. We do this not out of fear or trepidation, but to show our resolve that the free people of this world will not be deterred from our purpose by threats of terrorism.

98 Stat. 1664.

The Congress, by Senate Joint Resolution 336, has designated October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 23, 1984, as a Time of Remembrance for all victims of terrorism throughout the world, and I urge all Americans to take time to reflect on the sacrifices that have been made in the pursuit of peace and freedom.

I further call upon and authorize all departments and agencies of the United States and interested organizations, groups, and individuals to fly United States flags at half-staff on October 23 in the hope that the desire for peace and freedom will take firm root in every person and every nation.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5267 of October 19, 1984

United Nations Day, 1984

by the President of the United States of America

Proclamation

The founding of the United Nations 39 years ago offered new hope that international political, economic, social and technical cooperation could be achieved in a more peaceful world. That hope remains, though we are aware of the difficulties in turning it into reality. The deeply rooted political conflicts that divide nations have at times prevented the proper use of the United Nations for the practical expression of the principles embodied in its charter. We have been particularly disappointed with some of the actions taken at the United Nations in recent years, actions which fall far short of the high ideals on which that organization was founded.

The United States nonetheless continues to place considerable importance on the United Nations as the body designed to afford all nations opportunities for the peaceful settlement of disputes and for the promotion of technical cooperation in such areas as aviation, shipping, telecommunications, postal services and agriculture. It is the hope of the United States that the UN will live up to its founding principles and create the conditions which will encourage nations to cooperate for the furtherance of their common interests. It is vital that all member nations do their part in pursuit of this goal, that the principle of universality be upheld in UN actions, and that with respect to human rights all states be held to a single standard of justice.

The people and government of the United States feel a close identification with the mission of the United Nations and watch closely what happens there. We take seriously the content of the speeches made in the United Nations, and we take careful note of the votes cast by member countries. We are keenly conscious of the importance of the United Nations to the world community. With the experience gained from the past 39 years, we will work with other member nations to maintain international peace and security, to develop friendly relations among nations based on mutual respect, to find solutions to the problems that divide us, and to promote respect for the human rights of every individual.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Wednesday, October 24, 1984, as United Nations Day and urge all Americans to acquaint themselves better with the activities and accomplishments of the United Nations. I have appointed Theodore A. Burtis to serve as 1984 United States Chairman for United Nations Day, and I welcome the role of the United Nations Association of the United States of America in working with him to celebrate this special day.

I WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5268 of October 19, 1984

Veterans Day, 1984

by the President of the United States of America

Proclamation

The eleventh hour is often used to mean "the last possible time." The First World War was ended on the eleventh hour—as well as the eleventh day of the eleventh month.

If the idealistic hope that World War I was "the war to end all wars" had been realized, November 11 might still be called Armistice Day. But World War II shattered that dream. And after the Korean War, Armistice Day became Veterans Day. Under that name, each November 11, our Nation shows its respect for those who have worn its uniform in defense of freedom.

Veterans Day has become a significant part of our national heritage as we recognize the important contributions of millions of our citizens whose military service has had a profound effect on history. More than 39 million in number, they fought and died from Bunker Hill to Bastogne, from the Marianas to the Mekong Valley in Vietnam. By preserving our freedom, they also made it possible for us to continue our search for a world at peace. That search remains the highest priority of my Administration. It is a debt we owe to the soliders, sailors, and airmen who put their lives at risk so that their children and grandchildren would never need to know the horrors of war.

Veterans Day offers the Nation an opportunity to show our pride and say "thank you." Furthermore, it provides an important opportunity to rededicate ourselves to Lincoln's call to Congress and the American people "to care for him who shall have borne the battle, and for his widow and his orphan."

Eighty-five percent of the 28 million veterans alive today served during our country's wars. Just as they did not disappoint us in battle, they have not disappointed us in our present search for peace. Their service significantly influences America's role in world affairs, and they all deserve our gratitude.

I believe we should all seek ways to express our collective appreciation for their service and sacrifice. I invite all Americans to join me in observing Veterans Day—through appropriate ceremonies, activities and private thoughts on November 11.

In order that we may pay meaningful tribute to those men and women who proudly served in our Armed Forces, Congress has provided (5 U.S.C. 6103(a)) that November 11 shall be set aside each year as a legal public holiday to honor America's veterans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Sunday, November 11, 1984, as Veterans Day, and I invite all Americans to join with me in paying tribute to those patriots of all generations who have drawn upon their freedom for the will and the courage to fight for their country and the ideals for which it stands.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5269 of October 19, 1984

Thanksgiving Day, 1984

*By the President of the United States of America
A Proclamation*

As we remember the faith and values that made America great, we should recall that our tradition of Thanksgiving is older than our Nation itself.

need, the native American Thanksgivings antedated those of the new Americans. In the words of the eloquent Seneca tradition of the Iroquois, . . . give it your thought, that with one mind we may now give thanks to our Creator."

From the first Pilgrim observance in 1621, to the nine years before and during the American Revolution when the Continental Congress declared days of Fast and Prayer and days of Thanksgiving, we have turned to Almighty God to express our gratitude for the bounty and good fortune we enjoy as individuals and as a nation. America truly has been blessed.

This year we can be especially thankful that real gratitude to God is embodied, not in proclamations of government, but in the hearts of all our people who come from every race, culture, and creed on the face of the earth. And as we pause to give thanks for our many gifts, let us be tempered by humility and by compassion for those in need, and let us reaffirm through prayer and action our determination to share our bounty with those less fortunate.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in the spirit and tradition of the Iroquois, the Pilgrims, the Continental Congress, and past Presidents, do hereby proclaim Thursday, November 22, 1984, as a day of National Thanksgiving. I call upon every citizen of this great Nation to gather together in homes and places of worship to celebrate, in the words of 1784, "with grateful hearts . . . the mercies and praises of their all Bountiful Creator"

WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5270 of October 30, 1984

National Christmas Seal Month, 1984

the President of the United States of America
Proclamation

Chronic diseases of the lungs are responsible for large numbers of deaths and disabilities among Americans. More than 17 million people have chronic lung diseases, and an estimated 225,000 Americans will die this year from them. The cost to this Nation is nearly \$30 billion in medical expenses and lost wages, and untold millions more in lost productivity.

Emphysema and chronic bronchitis afflict ten million Americans. Asthma affects another seven million people, two million of whom are children. Before the end of this decade, lung cancer will have surpassed breast cancer as the leading cause of cancer deaths among American women.

The American Lung Association (ALA), through its community lung associations, continues the tradition started in 1904 of leading the effort to control and prevent pulmonary diseases. The ALA is this Nation's first voluntary, nonprofit public health organization. Formed originally to combat tuberculosis, the ALA, together with its medical/scientific arm—the American Thoracic Society—now has widened its scope to include all forms of lung disease and its causes, including smoking, air pollution, and occupational hazards.

To help pioneer and develop health education and research programs aimed at better treatment and prevention of lung diseases, the ALA relies on the sale of Christmas Seals. The Association has used Christmas Seals since 1907 to raise funds through private contributions to continue its research programs.

This year, 60 million homes will receive Christmas Seals. The funds raised through the sale of Christmas Seals have enabled the ALA to provide many millions of dollars for research programs on the prevention and control of lung diseases. Christmas Seals also have allowed the ALA to conduct vigorous public campaigns against air pollution and cigarette smoking. The use of Christmas Seals on holiday mail is a visible reminder that chronic lung diseases remain a serious public health problem, but one that can be in large part prevented through research and public education.

98 Stat. 1829.

To increase public awareness of chronic lung diseases and the benefits realized by the sales of Christmas Seals, the Congress, by Senate Joint Resolution 324, has designated the month of November as "National Christmas Seal Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1984 as National Christmas Seal Month, and I call upon all government agencies and the people of the United States to observe this month with appropriate activities and by supporting the Christmas Seal program.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5271 of October 30, 1984**National Diabetes Month, 1984**

*By the President of the United States of America
A Proclamation*

Diabetes mellitus is one of the most serious medical and public health problems challenging this Nation today. Approximately 11 million Americans suffer from this disease. Although careful treatment can control many of the short-term metabolic effects of diabetes, the disease is also associated with serious long-term complications that affect the eyes, kidneys, nervous system, and blood vessels. Physical, emotional, and financial consequences of this disease impose an enormous burden on its sufferers, their families, and the Nation in general. Diabetes-related health care, disability, and premature mortality alone cost more than \$14 billion annually. The non-monetary costs are also staggering. Moreover, the prevalence of diabetes is increasing in the United States.

In recent years, there has been an enormous amount of progress in understanding, diagnosing, and treating diabetes. The National Diabetes Advisory Board, established by the Congress, has recently reported that "Not since the discovery of insulin over half a century ago has the outlook for clinical advances in the treatment and ultimate prevention and cure of diabetes been as promising as today." Researchers continue to discover clues to the causes of this disease and its complications. New and better forms of treatment are being developed and tested.

However, basic biomedical research and its translation into clinical practice still remain the bedrock of hope for discovering the ultimate answers to this complex disease and its myriad complications. The Federal government, in cooperation with the private sector, is deeply committed to supporting basic research on diabetes so that we can conquer this major public health problem for all present and future Americans.

To increase public awareness of diabetes and emphasize the need for continued research efforts, the Congress, by Senate Joint Resolution 299, has designated the month of November 1984 as "National Diabetes Month" and authorized and requested the President to issue a proclamation in observance of that month.

98 Stat. 2426.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1984 as National Diabetes Month, and I call upon all government agencies and the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5272 of October 30, 1984

National Hospice Month, 1984

By the President of the United States of America
A Proclamation

Hospice care is a humanitarian way for terminally ill patients to approach the end of their lives in relative comfort and dignity. Increasing numbers of patients have chosen to enter hospice programs in recent years because of the competent and compassionate care they provide outside of the hospital environment.

Hospices care for both patients and their families by attending to their physical, emotional, and spiritual needs. A team of physicians, nurses, social workers, pharmacists, counselors, and community volunteers work together to meet the needs of the terminally ill.

The importance of hospices as an integral part of our Nation's health care system is increasingly recognized. The growth of hospices was encouraged in November 1983 when the Federal government added hospice care to the benefits available to people under Medicare.

In order to encourage greater public recognition of hospice care, the Congress, by Senate Joint Resolution 334, has designated November 1984 as "National Hospice Month" and authorized and requested the President to issue a proclamation in observance of this month.

98 Stat. 1617.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim November 1984 as National Hospice Month, and I call upon appropriate government officials, all citizens, and

interested organizations and associations to observe this month with activities that recognize this important event.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5273 of October 30, 1984

Commemoration of the Great Famine in the Ukraine

By the President of the United States of America

A Proclamation

The Ukrainian famine of 1932–1933 was a tragic chapter in the history of the Ukraine, all the more so because it was not the result of disasters of nature, but was artificially induced as a deliberate policy.

The leaders of the Soviet Union, although fully aware of the famine in the Ukraine and having complete control of food supplies within its borders, nevertheless failed to take relief measures to check the famine or to alleviate the catastrophic conditions resulting from it. In complete disregard of international opinion, they ignored the appeals of international organizations and other nations.

More than seven million Ukrainians, and millions of others, died as the consequence of this callous act, which was part of a deliberate policy aimed at crushing the political, cultural, and human rights of the Ukrainian and other peoples by whatever means possible. The devastation of these years continues to leave its mark on the Ukrainian people and has retarded their economic, social, and political development to an enormous extent.

In making this a special day to honor those who were victims of this famine, we Americans are afforded as well another opportunity to honor our own system of government and the freedoms we enjoy and our commitment to the right to self-determination and liberty for all the peoples of the world. In so doing, let us also reaffirm our faith in the spirit and resilience of the Ukrainian people and condemn the system that has caused them so much suffering over the years.

98 Stat. 3501.

The Congress, by House Concurrent Resolution 111, has urged the President to issue a proclamation in mournful commemoration of the great famine in the Ukraine during 1933.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Sunday, November 4, 1984, as a Day of Commemoration of the Great Famine in the Ukraine in 1933.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5274 of October 30, 1984

National Drunk and Drugged Driving Awareness Week, 1984

*By the President of the United States of America
A Proclamation*

Driving impaired by alcohol or other drugs is one of our Nation's most serious public health and safety problems. Each year, drunk drivers account for tens of thousands of highway fatalities and hundreds of thousands of injuries.

This senseless carnage on our highways can be reduced through increased awareness of what can be done and a willingness to get involved in doing the right thing. We must not wait until personal tragedy strikes to become involved. It is too late for those who have already become the victims of the drunk drivers.

Strict law enforcement and just penalties are essential. Contrary to popular opinion, driving is not a right, but a privilege—which can and should be withdrawn when a drunken driver deliberately endangers others. We also need improved means of detecting intoxicated drivers before they cause an accident.

Statistics show that in many alcohol-related accidents, our young people are either the cause or the victim. In recognition of the considerable evidence that raising the legal drinking age reduces alcohol-related motor vehicle crash involvement among young drivers, the Federal government is encouraging each State to establish 21 as the minimum age at which individuals may purchase, possess, or consume alcoholic beverages. Many States have already raised the legal drinking age as a result of efforts of dedicated citizen volunteers and the growing awareness that motor vehicle accidents are the leading cause of death among young people.

We need informed, concerned citizens who are willing to get involved in generating awareness, education, and action to eliminate drunk and drugged drivers from our highways. With the continued involvement of private citizens working together, and action at all levels of government, we can begin to control the problem of drunken and drugged driving.

As the Presidential Commission on Drunk Driving recommended, we are seeking a long-term sustained effort that brings to bear the resources of our local, State and national levels of government. To that end, a National Commission on Drunk Driving has been formed to continue the work of the Presidential Commission.

In order to encourage citizen involvement in prevention efforts and to increase awareness of the seriousness of the threat to our lives and safety, the Congress, by Senate Joint Resolution 303, has designated the week of December 9 through 15, 1984, as "National Drunk and Drugged Driving Awareness Week."

98 Stat. 297.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of December 9 through 15, 1984, as National Drunk and Drugged Driving Awareness Week. I call upon each American to help make the difference between the needless tragedy of alcohol-related accidents and the blessings of health and life. I ask all Americans to remember and to urge others not to drink or take drugs and drive.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-four, and of

the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5275 of November 1, 1984

National Alzheimer's Disease Month, 1984

*By the President of the United States of America
A Proclamation*

The month of November is traditionally a time for families to come together and give thanks for their blessings. It is fitting that November also be designated as National Alzheimer's Disease Month to express our compassion for those who suffer from this heartbreaking disorder and our appreciation for the many families who devote themselves to the care of afflicted loved ones who no longer can help themselves.

Alzheimer's disease is the major cause of serious confusion and forgetfulness in old age. The death of brain cells, a mark of this devastating disease, at first causes erratic behavior and unusual memory lapses and ultimately results in the "senility" once thought to be a normal part of old age.

Experts estimate that some two million Americans suffer from Alzheimer's disease, including between five and ten percent of our population over 65 and 20 percent of those over 80. If present trends continue, anticipated increases could double the number of victims in these age groups by the turn of the century.

In addition to the unhappy victims, untold numbers of others suffer the physical, emotional and financial burdens of caring for relatives who are ill with this disease. Families care for their ill relatives at home, if possible, and later in nursing homes. Between one-third and one-half of all patients in those institutions suffer from Alzheimer's disease or another serious irreversible form of dementia.

The medical research community is focusing special attention on this disease, and research is beginning to reveal many of its mysteries. Thus, research is providing the affected families with a great deal of hope. Until a cure is found, however, these families need our support and understanding. Public awareness of their problems is growing, due to the work of voluntary health associations—notably the Alzheimer's Disease and Related Disorders Association—but much remains to be done.

98 Stat. 231.

The Congress, by House Joint Resolution 451, has designated the month of November 1984 as "National Alzheimer's Disease Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1984 as National Alzheimer's Disease Month. Let us mark this month by striving to educate ourselves about Alzheimer's disease and by participating in appropriate activities and observances.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5276 of November 1, 1984

National Blood Pressure Awareness Week, 1984

By the President of the United States of America

Proclamation

High blood pressure is a disease that affects as many as 60 million Americans and is a major factor in the 1.25 million heart attacks and half-million strokes every year in the United States. Heart attacks annually kill 500,000 Americans, and the economic cost to the Nation in direct medical costs, lost work days and lost production will soar into the tens of billions of dollars.

Unfortunately as these statistics are, there are many encouraging signs that we are making progress in controlling this disease. Death rates from heart attacks and stroke have been declining dramatically for more than a decade. From 1972 to 1982, for example, the death rate for heart attack dropped by 27 percent, and for stroke by 42 percent.

Often called the silent killer because it usually exhibits no symptoms, high blood pressure is an insidious condition that may lead to heart attack, stroke or kidney damage. Along with cigarette smoking and elevated blood cholesterol, it is one of three major risk factors for cardiovascular diseases.

High blood pressure can be detected quickly and painlessly by use of an inflatable arm cuff and stethoscope. All Americans should take advantage of the high blood pressure screening activities in their communities, their work places and their public health facilities. Once detected, high blood pressure usually can be controlled very effectively. Weight loss, salt restrictions and exercise may be prescribed as possible remedies. When these do not work, a physician can select an appropriate treatment program from a wide range of drug therapies.

At least one of the factors responsible for the decline in death rates from heart attacks and strokes is enhanced awareness among the public and the medical profession of the dangers of high blood pressure and the steps that people can take to bring it under control. This growing awareness has been brought about largely through the efforts of the National High Blood Pressure Education Program, a coordinated program involving the Federal government, community volunteer organizations, medical associations, industry and labor, state and local public health agencies and many other groups. We must intensify our efforts to promote public understanding of the dangers of this prevalent condition and public knowledge that effective treatment methods are available.

To stimulate public awareness of the role high blood pressure plays in bringing about heart attacks and strokes and to encourage all Americans to check their blood pressure and obtain treatment if it is elevated, the Congress, by Senate Joint Resolution 260, has designated the week beginning November 11, 1984, as "National Blood Pressure Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

98 Stat. 1835.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning November 11, 1984, as National Blood Pressure Awareness Week. I invite all interested government agencies and officials and the American people to observe this occasion with appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5277 of November 1, 1984

National Reye's Syndrome Week, 1984

*By the President of the United States of America
A Proclamation*

Reye's Syndrome is a rare and often fatal illness that affects children under the age of 18 who are recovering from influenza or chicken pox. Reye's Syndrome can be deceptive, attacking just when it appears that the child is getting better. The symptoms—which include mental confusion, persistent or continuous vomiting, loss of energy, sleepiness and belligerent behavior—may develop quickly, sometimes within half a day. Immediate medical care is essential. If not treated promptly, a child suffering from Reye's Syndrome may go into coma and die.

The number of cases of Reye's Syndrome has dropped dramatically since continuous national surveillance was established by the Center for Disease Control in December 1976. This does not mean, however, that the public should become complacent about this illness. Although Reye's Syndrome is rare, it is life-threatening. About one-third of its victims do not survive.

Much remains to be learned about Reye's Syndrome, including what causes it and how it can be prevented. Voluntary organizations, such as the American Reye's Syndrome Association and the National Reye's Syndrome Foundation, have conducted educational campaigns to acquaint the public with this illness. Continued public education is essential so that parents and physicians can learn to recognize the symptoms of Reye's Syndrome and initiate treatment in its earliest stages.

98 Stat. 2424.

To enhance public awareness of the gravity of Reye's Syndrome, the Congress, by Senate Joint Resolution 259, has designated the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week" and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 12, 1984, through November 18, 1984, as National Reye's Syndrome Week, and I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5278 of November 13, 1984

Women in Agriculture Week, 1984

the President of the United States of America

Proclamation

Women have always played an equal role with men in the agriculture of the Nation. Early America was an agricultural society, and colonial women worked beside men to develop the new land. Together, they learned local agriculture from the Indians, erected log cabins, and cleared farmland. Pushing their clearings to the foothills of the Alleghenies, they passed through the mountain gaps and crossed the prairies together in covered wagons.

Women were partners in American life from the founding of our first settlements. Men and women together in family enterprises began to process food, weave fabrics, and market food and fiber. As the settlements became towns and then cities, and as agricultural jobs became more specialized, women remained partners in the maturing of the agriculture of our Nation.

Today, agriculture employs 22 million people who work with food and fiber growing, harvesting, processing, transporting, and retailing. Women are active in farm management, finances, and community life and in establishing agricultural policy. They are also active in all phases of agribusiness and in agricultural processing and marketing. It is appropriate, therefore, that we set aside a week to recognize the role of women in this most basic of all industries.

The Congress, by House Joint Resolution 554, has designated the week of November 11 through 17, 1984, as "Women in Agriculture Week" and authorized and requested the President to issue a proclamation in observance of this week.

98 Stat. 1720.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 11 through November 17, 1984, as Women in Agriculture Week. I call on all Americans to participate in appropriate events to pay tribute to women in agriculture whose talents, hard work, and dedication significantly contribute to the production and marketing of the Nation's food supplies.

WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty-four, and the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5279 of November 13, 1984

National Farm-City Week, 1984

the President of the United States of America

Proclamation

One of this Nation's greatest blessings is the abundant food supply on which we all depend each and every day of our lives. Our food stores, with new after row of wholesome, nutritious foods, display a sight so commonplace that Americans tend to forget the enormous effort involved in our complex system of food production, distribution, and marketing.

Our food supply depends upon the farmers who plant their crops and through hard work, faith, and patience, bring in a golden harvest. But it also depends on many people who live in towns and cities. It relies on those who provide farm equipment and production supplies for farmers, as well as on the processors who prepare the products for delivery throughout the Nation by a dependable network of transportation. Finally, we rely on the merchants who store and sell the agricultural products.

It is appropriate that we recognize the interdependence of all those involved in the system with a National Farm-City Week near Thanksgiving. As we give thanks for our food in this great land of freedom, let us also pause to salute the 23 million Americans who work directly in some essential task in agriculture, on farms, and in cities.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the period November 16 through November 22, 1984, as National Farm-City Week. I call upon all Americans, in rural areas and in cities alike, to join in recognizing the accomplishments of our productive farm families and of our urban residents in working together in a spirit of cooperation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5280 of November 13, 1984

National Adoption Week, 1984

By the President of the United States of America

A Proclamation

Families have always stood at the center of our society, preserving good and worthy traditions from our past and entrusting those traditions to our children, our greatest hope for the future. At a time when many fear that the family is in decline, it is fitting that we give special recognition to those who are rebuilding families by promoting adoption.

More children with permanent homes mean fewer children with permanent problems. That is why we must encourage a national effort to promote the adoption of children, and particularly children with special needs. Through the Adoption Assistance and Child Welfare Act of 1980, some 6,000 children have been adopted who otherwise might not have been, and the number is growing. The recently enacted Child Abuse Prevention and Treatment Act will provide further assistance to couples who adopt children with special needs.

We must never forget those couples who know the anguish of prolonged waiting to welcome an adopted child into their home. One aspect of the tragedy of the 1.5 million abortions performed each year is that so many women who undergo abortions are unaware of the many couples who desperately want to share their loving homes with a baby. No woman need fear that the child she carries is unwanted. We must continue to promote constructive alternatives to abortion through the Adolescent Family Life program and by encouraging the efforts of private citizens who are helping women with crisis pregnancies.

ational Adoption Week gives us an opportunity to reaffirm our commitment to give every child waiting to be adopted the chance to become part of a family. During this Thanksgiving season, let us work to encourage community acceptance and support for adoption and take time to recognize the efforts of the parent groups and agencies that assure adoptive placements for waiting children. Most importantly, let us pay tribute to those special families who have opened their homes and hearts to adopted children, strengthening the bonds of love that we call the family.

The Congress, by Senate Joint Resolution 238, has designated the week of November 19 through November 25, 1984, as "National Adoption Week" and authorized and requested the President to issue a proclamation in observance of this week. 98 Stat. 314.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 19 through November 25, 1984, as National Adoption Week, and I call on all Americans and governmental and private agencies to observe the week with appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5281 of November 15, 1984

National Family Week, 1984

the President of the United States of America
Proclamation

Families are the foundation of society. Through them we pass on our traditions, rituals, and values. From them we receive the love, encouragement, and education needed to meet human challenges. Family life provides opportunities and time for the spiritual growth that fosters generosity of spirit and responsible citizenship.

Family experiences shape our response to the larger communities in which we live. The best American traditions echo family values that call on us to nurture and guide the young, to help enrich the lives of the handicapped, to assist less fortunate neighbors, and to cherish the elderly. Let us summon individual and community resources to promote healthy families capable of carrying on these traditions and providing strength to our society.

National Family Week gives us a chance to honor families and to renew our commitment to the family strength that gives people the ability to withstand external influences and maintain their individual integrity. We should use this occasion to commend the loyalty family members show one another in facing the adversities as well as the joys of life together. And let us especially honor those Americans who, through adoption or foster care, have extended their families as centers of love and life to those in need of family support.

The Congress, by Senate Joint Resolution 211, has designated the week of November 18 through November 24, 1984, as "National Family Week" and authorized and requested the President to issue a proclamation in observance of this week. 98 Stat. 229.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 18 through November 24, 1984, as National Family Week. I invite the Governors of the several states, the chief officials of local governments, and all Americans to observe this week with appropriate ceremonies and activities. As we celebrate this Thanksgiving Week, I also invite all Americans to give thanks for the many blessings that they have derived from their family relationships and to reflect upon the importance of maintaining strong families.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5282 of November 26, 1984

National Home Care Week, 1984

*By the President of the United States of America
A Proclamation*

Home care services, which are rapidly gaining acceptance throughout the Nation, allow the physically and mentally impaired who do not require skilled nursing home care to remain in their own homes, or to stay with their families, instead of being moved to an institution. Home care provides individualized support services to permit maximum independence for those in need of assistance.

Progress in medical science and the generally rising level of health care from birth are contributing to a greater number of people living longer. A corollary to this advance is an increase in chronic illnesses of the aged that require care over an extended period of time. Home care provides the assistance needed to help older Americans to maintain independence despite such illness. All Americans should commend those individuals who provide personal and health care in the home. Their skill and caring make the lives of those they serve fuller and more meaningful.

98 Stat. 1824.

To give special recognition to the importance of home care services, the Congress, by Senate Joint Resolution 237, has designated the week of November 25, 1984, through December 1, 1984, as "National Home Care Week," and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 25 through December 1, 1984, as National Home Care Week, and I call upon all Government agencies, interested organizations, community groups, and the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5283 of November 26, 1984

National Epidermolysis Bullosa Awareness Week, 1984

The President of the United States of America

Proclamation

Epidermolysis Bullosa, or "EB," is a group of hereditary disorders in which the skin forms blisters after minimal injury or even simple pressure. Symptoms of the disease can resemble severe burns and can be very painful and debilitating. Mucous membranes of the mouth, eye, and gastro-intestinal tract may be affected and lead to scarring, malnutrition, anemia, and even premature death.

As many as 25,000 to 50,000 Americans, mostly children, may suffer from the disease. It can disable people physically because of the pain and anxiety it causes, and it also places a severe financial burden on many families.

While research is just beginning to reveal the underlying causes of EB, new research findings and new approaches to diagnosis and treatment are needed to eliminate this affliction. The Federal government and private voluntary organizations have developed a strong and enduring partnership committed to EB research in order to reduce or eliminate the disease and its painful consequences.

The Congress, by Senate Joint Resolution 201, has designated the week of November 25 through December 1, 1984, as "National Epidermolysis Bullosa Awareness Week" and authorized and requested the President to issue a proclamation in observance of that week. 98 Stat. 1820.

I, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 25 through December 1, 1984, as National Epidermolysis Bullosa Awareness Week. I urge the people of the United States and educational, philanthropic, scientific, medical and health care organizations and professionals to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5284 of November 28, 1984

Conferral of Honorary Citizenship of the United States Upon William Penn and Hannah Callowhill Penn

The President of the United States of America

Proclamation

In the history of this Nation, there has been a small number of men and women whose contributions to its traditions of freedom, justice, and individual rights have accorded them a special place of honor in our hearts and minds, and to whom all Americans owe a lasting debt. Among them are the men and women who founded the thirteen colonies that became the United States of America.

William Penn, as a British citizen, founded the Commonwealth of Pennsylvania in order to carry out an experiment based upon representative government; public education without regard to race, creed, sex, or ability to pay; and the substitution of workhouses for prisons. He had a Quaker's deep faith in divine guidance, and as the leader of the new colony, he worked to protect rights of personal conscience and freedom of religion. The principles of religious freedom he espoused helped to lay the groundwork for the First Amendment of our Constitution.

As a man of peace, William Penn was conscientiously opposed to war as a means of settling international disputes and worked toward its elimination by proposing the establishment of a Parliament of Nations, not unlike the present-day United Nations.

Hannah Callowhill Penn, William Penn's wife, effectively administered the Province of Pennsylvania for six years and, like her husband, devoted her life to the pursuit of peace and justice.

98 Stat. 2423.

To commemorate these lasting contributions of William Penn and Hannah Callowhill Penn to the founding of our Nation and the development of its principles, the Congress of the United States, by Senate Joint Resolution 80, approved October 19, 1984, authorized and requested the President to declare these persons honorary citizens of the United States of America.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim William Penn and Hannah Callowhill Penn to be honorary citizens of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of Nov., in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5285 of December 3, 1984

National Care and Share Day, 1984

*By the President of the United States of America
A Proclamation*

The spirit of neighbor helping neighbor flows like a deep and mighty river through the history of our Nation. We are proud of our strong and uniquely American tradition of voluntarism. Compassion, vision, and a fundamental sense of decency are the hallmarks of our national character and are reflected in the charitable works of our citizens.

During this holiday season, I call upon all Americans to reflect this spirit of generosity and cooperation by joining in partnership with others to provide food to those in need. I ask the agricultural and food industries to donate surpluses to food banks around the country and to complement government programs that are providing food assistance to low-income Americans. I look for the support of community groups, charitable organizations, and individuals in donating food items and in transporting and distributing them to those in need. Let the caring, sharing, and goodwill generated by private initiative spread across this great Nation of ours and bring joy to each and every individual.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 15, 1984, as National Care and

are Day and call upon the people of the United States to pay tribute to
s of charity and to promote community involvement in caring for the
eds of our neighbors.

WITNESS WHEREOF, I have hereunto set my hand this 3rd day of Dec.,
the year of our Lord nineteen hundred and eighty-four, and of the Inde-
pendence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5286 of December 4, 1984

National Pearl Harbor Remembrance Day, 1984

the President of the United States of America
Proclamation

On the morning of December 7, 1941, the Imperial Japanese Navy launched
unprovoked surprise attack on units of the Armed Forces of the United
States stationed at Pearl Harbor, Hawaii. Over 2,400 United States citizens
were killed and almost 1,200 were wounded in the attack. This battle
marked our entry into World War II and galvanized the will of the Ameri-
can people to achieve ultimate victory.

Today, Japan is firmly united with us as an ally in defense of the freedom
we share. But the lesson of Pearl Harbor is as important today as it was
over forty years ago. In an uncertain world, democracies should always
seek peace but also be prepared to defeat aggression. Military strength can
win war and give diplomacy time to achieve its beneficial results.

The people of the United States owe a tremendous debt of gratitude to all
members of our Armed Forces who served at Pearl Harbor and in the many
theaters that followed in all other theaters of action of World War II. Their
effless dedication and sacrifice will never be forgotten.

The Congress, by House Joint Resolution 392, has designated December 7, 98 Stat. 1702.
1984, as "National Pearl Harbor Remembrance Day" and authorized and re-
quested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States
of America, do hereby proclaim December 7, 1984, as National Pearl Harbor
Remembrance Day and call upon the people of the United States to observe
this solemn occasion with appropriate ceremonies and activities and to
pledge eternal vigilance and strong resolve to defend this Nation and its
freedom from all future aggression.

WITNESS WHEREOF, I have hereunto set my hand this fourth day of
December, in the year of our Lord nineteen hundred and eighty-four, and of
the Independence of the United States of America the two hundred and
ninth.

RONALD REAGAN

Proclamation 5287 of December 10, 1984**Bill of Rights Day
Human Rights Day and Week, 1984**

By the President of the United States of America

A Proclamation

On December 15, 1791, our Founding Fathers celebrated the ratification of the first ten amendments to the Constitution of the United States—a Bill of Rights that has helped guarantee the freedoms that all Americans cherish.

For the first time in the history of nations, our Founding Fathers established a written Constitution with enumerated rights based on the principle that the rights to life and liberty come not from the prerogative of government, but inhere in each person as a fundamental human heritage. Americans believe that all persons are equal in their possession of these unalienable rights and are entitled to respect because of the immense dignity and value of each human being. With these great principles in mind, the Founding Fathers designed a system of government limited in its powers, based upon just laws, and resting upon the consent of the governed.

When Americans first proclaimed this noble experiment in self-government and human liberty, it seemed to some to be a utopian, unrealistic ideal. Today, virtually every nation in the world has adopted a written constitution expressing in varying degrees fundamental human rights. One hundred and fifty-seven years after the ratification of our Bill of Rights, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights affirming an international consensus on behalf of the human rights and individual liberties that we value so highly.

Thirty-six years after the adoption of the Universal Declaration of Human Rights, however, it is clear that this consensus is often recognized more on paper than in practice. Throughout the world, many governments nominally adhere to the Universal Declaration of Human Rights while suppressing free elections, independent trade unions, due process of law, and freedom of religion and of the press.

The United States recognizes a special responsibility to advance the claims of the oppressed; to reaffirm the rights to life and liberty as fundamental rights upon which all others are based; and to safeguard the rights to freedom of thought, conscience, and religion. As we are free, we must speak up for those who are not.

As Americans, we strongly object to and seek to end such affronts to the human conscience as the incarceration in the Soviet Union of men and women who try to speak out freely or who seek to exercise the basic right to emigrate; the harsh treatment accorded one of the great humanitarians of our time, Andrei Sakharov; the denial of basic human rights and self-determination in Eastern Europe and the Baltic states; the failure of the Polish authorities to establish an effective dialogue with the free trade union movement in that country; the manifest injustices of the apartheid system of racial discrimination in South Africa; the persecution of the Baha'i religious minority in Iran; the lack of progress toward democratic government in Chile and Paraguay; the campaign against the Roman Catholic Church in Nicaragua; the suppression of freedom in Cuba and Vietnam; the brutal war waged by Soviet troops against the people of Afghanistan; and the continuing Vietnamese occupation of Kampuchea.

The American people recognize that it is the denial of human rights, not their advocacy, that is a source of world tension. We recall the sacrifices

generations of Americans have made to preserve and protect liberty and the world. In this century alone, tens of thousands of Americans have laid down their lives on distant battlefields to uphold the cause of human rights. We honor and cherish them all. Today, it is with an abiding sense of gratitude and reverence that we remember the great gift of freedom that they bequeathed to us.

We give special thought to the blessings that we enjoy as a free people, and do not forget the victims of human rights abuses around the world.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 10, 1984, as Human Rights Day and December 15, 1984, as Bill of Rights Day, and call on all Americans to observe the week beginning December 10, 1984, as Human Rights Week.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of December, in the year of our Lord nineteen hundred and eighty-four, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Official note: For the President's remarks of Dec. 10, 1984, on signing Proclamation 5287, see the *Presidential Compilation of Presidential Documents* (vol. 20, p. 1891).

Proclamation 5288 of December 12, 1984

Wright Brothers Day, 1984

*The President of the United States of America
Proclamation*

This year marks the eighty-first anniversary of human flight in a powered, manned aircraft. The dedicated efforts of Orville and Wilbur Wright made it possible. In the years that have passed since that time, the world has undergone a revolution in transportation that has brought nations closer together and helped unite the global community in ways never before possible.

Though only 120 feet in length and 12 seconds in duration, the first successful flight of the Wright Brothers' aero-vehicle on December 17, 1903, was hailed as the "flight heard round the world." That flight—limited in immediate, practical application but infinite in conceptual progress—helped foster the American spirit of innovation and dedication to technological advancement. That spirit has thrust the United States into world leadership in all facets of science, technology, and aviation, both civil and military. Aviation in the United States and throughout the world continues to build on the foundation provided by the Wright Brothers.

To commemorate the historic achievement of the Wright Brothers, the Congress, by joint resolution of December 17, 1963 (77 Stat. 402; 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 17, 1984, as Wright Brothers Day,

and I call upon the people of this Nation and local and national governmental officials to observe this day with appropriate ceremonies and activities, both to recall the accomplishments of the Wright Brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of December, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5289 of December 27, 1984

National Cerebral Palsy Month, 1985

*By the President of the United States of America
A Proclamation*

For more than 700,000 Americans with cerebral palsy, life is a struggle to overcome the challenges posed by brain abnormalities present since very early in life, often before birth. As cerebral palsy victims mature, they must confront lack of movement control and, possibly, seizures, loss of hearing, vision, or other senses, or mental or emotional impairment. This year, nearly 7,000 children will be born with cerebral palsy.

Health care professionals and educators throughout our Nation are making bold strides in helping those affected to deal with this disorder. Through physical rehabilitation and occupational therapy, many cerebral palsy patients are learning to lead happy, productive lives in the mainstream of society. These efforts have been spearheaded by two voluntary health agencies, the United Cerebral Palsy Associations, Inc. and the National Easter Seal Society.

Investigators supported by the National Institute of Neurological and Communicative Disorders and Stroke and by voluntary health agencies are developing new drugs and devices to alleviate the symptoms of cerebral palsy. Scientists also are learning how to prevent the disorder, particularly with closely monitored prenatal care to minimize risks to the developing child. With the combined efforts of concerned voluntary and public health agencies, the tragedy of cerebral palsy can be substantially reduced.

To encourage public recognition of and compassion for the complex problems caused by cerebral palsy, the Congress, by Senate Joint Resolution 309, has designated the month of January 1985 as "National Cerebral Palsy Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of January 1985 as National Cerebral Palsy Month. I call upon all government agencies, health organizations, communications media, and the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of December, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5290 of December 27, 1984

National Poison Prevention Week, 1985

the President of the United States of America
Proclamation

Between 1962 and 1983, our Nation experienced an 80 percent reduction in childhood poisoning as a result of new, effective safety standards and greater consumer awareness. The number of accidental ingestions of household chemicals, cleaning products, and medicines among children under the age of 6 years of age dropped from 500,000 to 100,000 during this period.

In the past 24 years, the Poison Prevention Week Council has coordinated a network of health, safety, business, and voluntary organizations to raise public awareness of the problem. In addition, the Consumer Product Safety Commission, which administers the Poison Prevention Packaging Act, requires child-resistant closures on many products that are potentially harmful to children.

While these efforts have been very successful, we must not be satisfied with the progress we have made. Because we believe that almost all such poisonings are preventable, we must continue working to reduce this annual toll by reminding parents and other family members of the steps they can take to avert these tragedies. We must remind them to keep household chemicals, cleaning products, and medicines out of the reach of children and to use re-securable, child-resistant closures on these products.

To encourage the American people to learn about the dangers of accidental poisonings and to take preventive measures, the Congress, by joint resolution approved September 26, 1961 (75 Stat. 681), authorized and requested the President to issue a proclamation designating the third week of March each year as "National Poison Prevention Week."

36 USC 165.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning March 17, 1985, as National Poison Prevention Week. I call upon all Americans to observe this week by participating in appropriate ceremonies and events.

WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of December, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5291 of December 28, 1984

Modify Duties on Certain Articles Used in Civil Aircraft and on Globes

the President of the United States of America
Proclamation

Pursuant to section 234 of the Trade and Tariff Act of 1984 (P.L. 98-573), I have determined that modifications in the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), as set forth in the Annex to this proclamation, are appropriate in order to provide duty-free coverage comparable to the expanded coverage provided by other signatories to the Agreement on

98 Stat. 2992.

Trade in Civil Aircraft (the Agreement; 31 UST (pt. 1) 619) as set forth in the Annex to the March 22, 1984, decision of the Committee on Civil Aircraft under the Agreement.

2. I authorize the United States Trade Representative, or his designee, on behalf of the United States of America, to implement the portion of the consolidated Annex to the Agreement which pertains to articles imported into the United States, recorded in the decision of March 22, 1984, upon his determination that the additional duty-free treatment to be accorded by the United States, as set forth in the Annex to this proclamation, is comparable to the expanded coverage provided by other signatories to the Agreement.

3. Pursuant to section 167(b) of the Educational, Scientific, and Cultural Materials Importation Act of 1982 (96 Stat. 2439, 19 U.S.C. 1202 note), I have determined that it is in the interest of the United States to implement, on a temporary basis, the duty-free treatment for such articles as are provided for in the amendment to section 163(c)(3) of that Act made by section 191(c)(2)(B) of the Trade and Tariff Act of 1984. These articles were omitted through technical error from the 1982 Act implementing the Nairobi Protocol (97th Congress, 1st Session, Senate Treaty Document 97-2, p. 9) to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, and from Proclamation 5021 of February 14, 1983 (48 F.R. 6883), providing temporary duty reductions to certain imported articles. I have also determined, pursuant to section 604 of the Trade Act of 1974 (19 U.S.C. 2483), to modify the TSUS to provide temporary duty reductions to such additional articles.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to sections 234 of the Trade and Tariff Act of 1984, section 167(b)(2) of the Educational, Scientific, and Cultural Materials Importation Act of 1982, and section 604 of the Trade Act of 1974, do proclaim that:

(1) Item 960.70 in part 4 of the Appendix to the TSUS is modified by inserting after "models)" the language ", globes,". This modification is effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after November 14, 1984.

(2) The TSUS are further modified as provided in the Annex to this proclamation, attached hereto and made a part hereof.

(3) The modifications to the TSUS made by paragraph (2) shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on and after the date designated by the United States Trade Representative or his designee and published in the **Federal Register** along with his determination that the duty-free coverage provided by the United States is comparable to the expanded coverage provided by other signatories to the Agreement.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

96 Stat. 2346.
96 Stat. 2970.

97 Stat. 1548.

98 Stat. 2992.
19 USC 2483.

NEX

MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

es:

1. Bracketed matter is included to assist in the understanding of the proclaimed modifications.
2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS are modified as follows:

The following new item is inserted immediately after item 646.95:

- | | | | |
|-------------------------------|---|------------|----------------|
| 646.96 | [Door . . .]
Automatic door closers, if
certified for use in civil
aircraft (see headnote 3,
part 6C, schedule 6)..... | Free | 45% ad val." |
| Item 660.87 is superseded by: | | | |
| | [Non-electric . . .]
[Other] | | |
| 660.87 | If certified for use in
civil aircraft (see
headnote 3, part 6C,
schedule 6)..... | Free | 27.5% ad val." |
| Item 660.99 is superseded by: | | | |
| | [Pumps . . .]
[Other] | | |
| 660.99 | Pumps for liquids, oper-
ated by any kind of
power unit, and parts
thereof, if certified for
use in civil aircraft
(see headnote 3, part
6C, schedule 6)..... | Free | 35% ad val." |
| Item 661.08 is superseded by: | | | |
| | [Air . . .]
[Fans . . .]
[Other] | | |
| 661.08 | If certified for use in
civil aircraft (see
headnote 3, part 6C,
schedule 6)..... | Free | 35% ad val." |
| Item 661.14 is superseded by: | | | |
| | [Air . . .]
[Compressors, . . .]
[Other . . .] | | |
| 661.14 | If certified for use in
civil aircraft (see
headnote 3, part 6C,
schedule 6)..... | Free | 35% ad val." |
| Item 661.17 is superseded by: | | | |
| | [Air . . .]
[Other] | | |
| 661.17 | Air pumps and vacuum
pumps, and parts
thereof, all the forego-
ing if certified for use
in civil aircraft (see
headnote 3, part 6C,
schedule 6)..... | Free | 35% ad val." |
| Item 661.22 is superseded by: | | | |
| | [Air-conditioning . . .]
[Other] | | |
| 661.22 | If certified for use in civil
aircraft (see headnote 3,
part 6C, schedule 6)..... | Free | 35% ad val." |

8. Item 661.37 is superseded by:

[Refrigerators . . .]

"661.37 Refrigerators and refrigerating equipment; heat exchange units, and parts thereof, for refrigerators and refrigerating equipment; all the foregoing if certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..... Free..... 35% ad val."

9. The superior heading to items 680.46 through 681.24 is modified by deleting ", aircraft,".

10. The following new item is inserted immediately after item 680.62:

[Gear . . .]

[Gear . . .]

[Other . . .]

"680.63 If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..... Free..... 65% ad val."

11. Item 681.01 is superseded by:

[Gear . . .]

[Pulleys . . .]

"681.01 If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..... Free..... 45% ad val."

12. Item 681.18 is superseded by:

[Gear . . .]

[Torque . . .]

"681.18 If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..... Free..... 27.5% ad val."

13. Item 681.24 is superseded by:

[Gear . . .]

[Chain . . .]

"681.24 If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..... Free..... 45% ad val."

14. The following new item is inserted immediately after item 682.05:

[Generators, . . .]

[Transformers:]

[Rated . . .]

"682.06 If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..... Free..... 35% ad val."

15. (a) Items 683.05, 683.06, 683.07, and 683.08 are redesignated as 683.01, 683.02, 683.12, and 683.13, respectively.

(b) The following new item is inserted immediately after item 683.02:

[Storage . . .]

[Lead-acid . . .]

[12-volt . . .]

"683.03 If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..... Free..... 40% ad val."

(c) The following new item is inserted immediately after item 683.13:

[Storage . . .]

[Lead-acid . . .]

[Other, . . .]

"683.14 If certified for use in civil aircraft (see headnote 3, part 6C, schedule 6)..... Free..... 40% ad val."

(d) The following new item is inserted immediately after item 683.16:

[Storage . . .]

[Other]

If certified for use in
civil aircraft (see
headnote 3, part 6C,
schedule 6) Free 40% ad val."

The following new item is inserted immediately after item 708.09:

[Lenses, . . .]

[Not . . .]

Any article described in
the foregoing items
708.01 through 708.09,
inclusive, if certified
for use in civil aircraft
(see headnote 3, part
6C, schedule 6) Free The column 2
rate
applicable in
the absence of
this item"

The following new item is inserted immediately after item 708.29:

[Lenses, . . .]

[Mounted:]

Any article described in
the foregoing items
708.21 through 708.29,
inclusive, if certified
for use in civil aircraft
(see headnote 3, part
6C, schedule 6) Free The column 2
rate
applicable in
the absence of
this item"

Items 711.75, 711.76, and 711.77 are redesignated as 711.70, 711.71, and 711.72, respectively.

The following new item is inserted immediately after item 711.72:

[Pressure . . .]

[Flow . . .]

[Parts]

If certified for use in
civil aircraft (see
headnote 3, part 6C,
schedule 6) Free 65% ad val."

Item 711.81 is superseded by:

[Pressure . . .]

[Other]

If certified for use in
civil aircraft (see
headnote 3, part 6C,
schedule 6) Free 35% ad val."

Item 712.00 is superseded by:

[Revolution . . .]

[Other]

Speedometers and ta-
chometers, and parts
thereof; all the forego-
ing if certified for use
in civil aircraft (see
headnote 3, part 6C,
schedule 6) Free 35% ad val."

Item 712.52 is superseded by:

[Electrical . . .]

[Other]

If certified for use in
civil aircraft (see
headnote 3, part 6C,
schedule 6) Free 40% ad val."

Proclamation 5292 of January 14, 1985**National Sanctity of Human Life Day, 1985**

*By the President of the United States of America
A Proclamation*

America was founded by men and women who shared a vision of the value of each and every individual. Our forebears strove to build a nation in which the dignity of every person was respected and the rights of all were secure. Our laws have sought to foster and protect human life at all its stages.

Legal acceptance of abortion imperils this cherished tradition. By permitting the destruction of unborn children throughout the term of pregnancy, our laws have brought about an inestimable loss of human life and potential. Yet the tragedy of abortion extends beyond the loss of the nearly 17 million children who have been robbed of the gift of life. This tragedy is multifaceted—inflicting emotional harm on women, denying prospective adoptive couples the joy of sharing their loving homes with children, and eroding respect for the most fundamental of rights, the right to life.

No cause is more important than restoring respect for this right because the freedoms we hold so dear cannot endure as long as some lives are regarded as unworthy of protection. Nor can our commitment to defend the dignity of all persons survive if we remain indifferent to the destruction of 1.5 million children each year in the United States.

I do not believe that Americans will continue to tolerate this practice. Respect for the sanctity of human life remains too deeply engrained in the hearts of our people to remain forever suppressed. This respect for life is evident in communities throughout our Nation where people are reaching out, in a spirit of understanding and helping, to women with crisis pregnancies and to those who bear the spiritual and emotional scars of abortion. Such efforts strengthen the bonds of affection and obligation that unite us and assure that the family, the primary guardian of life and human values, will continue to be the foundation of our society.

If America is to remain what God, in His wisdom, intended for it to be—a refuge, a safe haven for those seeking human rights—then we must once again extend the most basic human right to the most vulnerable members of the human family. We must commit ourselves to a future in which the right to life of every human being—no matter how weak, no matter how small, no matter how defenseless—is protected by our laws and public policy.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Sunday, January 20, 1985, as National Sanctity of Human Life Day. I call upon the citizens of this blessed land to gather on that day in homes and places of worship to give thanks for the gift of life, and to reaffirm our commitment to the dignity of every human being and the sanctity of each human life.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of January, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5293 of January 23, 1985

National Jerome Kern Day, 1985

By the President of the United States of America
I, Ronald Reagan, do hereby proclaim

Musical theater is an American art form that has been part of our lives for a century. The songs are a true expression of the era in which they were written, but they also evoke something eternal in the American consciousness—echoing our joy in good years, reflecting our sadness in difficult times, and lifting our spirits in times of challenge.

Jerome D. Kern, one of the founding fathers of the American musical theater, whose centenary we observe this year, is widely honored for his many contributions to this uniquely American art form. His prodigious body of work—over 1,000 songs and 108 complete scores for Broadway shows and Hollywood films—forms a major part of the core of musical theater as we know it in America and as it has spread throughout the world.

Jerome Kern is remembered for individual songs, such as “Lovely to Look at,” “They Didn’t Believe Me,” “All the Things You Are,” and “Look for the Silver Lining,” as well as entire film and stage scores, most notably the classic *Show Boat*.

He collaborated with other great talents like Oscar Hammerstein II, Johnny Mercer, and Ira Gershwin and wrote with the elegance, wit, and sophistication that characterize the best American popular music. He was esteemed by his peers, who twice voted to honor him with Academy Awards—for “The Way You Look Tonight” and “The Last Time I Saw Paris.” New generations of audiences of all ages and backgrounds have taken his melodies to heart and given them a permanent place in our American musical heritage.

In recognition of the many contributions of Jerome Kern in enriching the American musical theater and in celebration of the one hundredth anniversary of his birth, the Congress, by House Joint Resolution 583, has designated January 27, 1985, as “National Jerome Kern Day.” 98 Stat. 1353.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim January 27, 1985, as National Jerome Kern Day. I encourage the people of the United States to observe the day with appropriate ceremonies, programs, and activities throughout the country, and in particular, by enjoying the music of this renowned American composer.

WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of January, in the year of our Lord nineteen hundred and eighty-five, of the Independence of the United States of America the two hundred ninth.

RONALD REAGAN

Proclamation 5294 of January 28, 1985

Support Quotas on Certain Sugar Containing Articles

By the President of the United States of America
I, Ronald Reagan, do hereby proclaim

By Proclamation No. 5071 of June 28, 1983, I imposed, on an emergency basis, import quotas on certain sugars, blended sirups, and sugars mixed

with other ingredients. These quotas were to be effective pending my further action after receipt of the report and recommendations of the United States International Trade Commission (hereinafter "Commission") on this matter pursuant to Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624) (hereinafter "Section 22"). The Commission has made its investigation and reported its findings to me.

2. The Secretary of Agriculture has advised me that he has reason to believe that certain other sugar containing articles, not covered by Proclamation No. 5071, are practically certain to be imported into the United States under such conditions and in such quantities as to materially interfere with the price support operations being conducted by the Department of Agriculture for sugar cane and sugar beets.

3. I agree that there is reason for such belief by the Secretary of Agriculture and, therefore, I am requesting the Commission to make an investigation with respect to this matter pursuant to Section 22, and report its findings and recommendations to me as soon as possible.

4. The Secretary of Agriculture has also determined and reported to me with regard to the sugar containing articles described in paragraph (B) below that a condition exists which requires emergency treatment and that the import quotas hereinafter proclaimed should be imposed without awaiting the report and recommendations of the Commission.

5. On the basis of the information submitted to me, I find and declare that:

(a) On the basis of the report and recommendations of the Commission, the articles described in items 958.10 and 958.15 of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) are practically certain to be imported into the United States under such conditions and in such quantities as to materially interfere with the price support operations of the Department of Agriculture for sugar cane and sugar beets;

(b) A condition exists requiring the imposition, on an emergency basis, of the import quotas hereinafter proclaimed with regard to the sugar containing articles described in paragraph (B) below; and

(c) The representative period within the meaning of the first proviso to subsection (b) of Section 22 is, for imports of the articles described in TSUS items 958.10 and 958.15, the years 1978–81, during which there were no imports of the articles described in TSUS items 958.10 and 958.15; and for imports described in paragraph (B) below, the years 1978–81.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by Section 22 of the Agricultural Adjustment Act of 1933, as amended, and the Constitution and Statutes of the United States, do hereby proclaim as follows:

(A) TSUS items 958.10 and 958.15 of Part 3 of the Appendix to the Tariff Schedules of the United States are continued in effect subject to the provisions of paragraph (C) below;

(B) Part 3 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence following TSUS item 958.15 the following items:

<i>Item</i>	<i>Articles</i>	<i>Quota Quantity</i>	<i>Effective Period</i>
During the period beginning on the effective date of this proclamation through September 30, 1985, if the respective aggregate quantity specified below for one of the numbered classes of			

<i>Item</i>	<i>Articles</i>	<i>Quota</i>	<i>Quantity</i>	<i>Effective Period</i>
es has been entered, no article in such class may be entered during the remainder of such d: Articles containing sugars derived from sugar cane or sugar beets, whether or not mixed with other ingredients, except articles within the scope of TSUS items 958.10, 958.15 or other import restrictions provided for in part 3 of the Appendix to the Tariff Schedules of the United States:				
3	Provided for in TSUS item 156.45	1,000	short tons	Until 10/1/85
7	Provided for in TSUS item 183.01	2,500	short tons	Until 10/1/85
3	Provided for in TSUS item 183.05	28,000	short tons	Until 10/1/85
beginning October 1, 1985, whenever, in any 12-month period beginning October 1 in any year, respective aggregate quantity specified below for one of the numbered classes of articles has entered, no article in such class may be entered during the remainder of such period: Articles containing sugars derived from sugar cane or sugar beets, whether or not mixed with other ingredients, except articles within the scope of TSUS items 958.10, 958.15 or other import restrictions provided for in part 3 of the Appendix to the Tariff Schedules of the United States:				
0	Provided for in TSUS item 156.45	3,000	short tons	
5	Provided for in TSUS item 183.01	7,000	short tons	
0	Provided for in TSUS item 183.05	84,000	short tons	
.....				

The provisions of this proclamation shall terminate upon the filing of a
ce in the **Federal Register** by the Secretary of Agriculture that the De-
ment of Agriculture is no longer conducting a price support program for
r cane and sugar beets.

Pending Presidential action upon receipt of the report and recommenda-
s of the Commission referenced in paragraph 3 above, the quotas estab-
ed by paragraph (B) of this proclamation shall apply to articles entered,
withdrawn from warehouse, for consumption on or after the effective
of this proclamation. However, those quotas shall not apply to articles
red, or withdrawn from warehouse, for consumption if application of
e quotas would prevent the entry, or withdrawal from warehouse, for
sumption of the articles and if the articles were (1) exported from the
try of origin prior to the effective date of this proclamation and (2) im-
ed directly into the United States, as determined by the appropriate
oms officials, in accordance with the criteria set forth at 19 CFR 10.174,
75 (1984).

This proclamation shall be effective as of 12:01 a.m. Eastern Standard
e on the day following the date of its signing.

WITNESS WHEREOF, I have hereunto set my hand this 28th day of Jan.,
e year of our Lord nineteen hundred and eighty-five, and of the Inde-
pendence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5295 of January 29, 1985

American Heart Month, 1985

The President of the United States of America
Proclamation

Despite progress in many areas, cardiovascular disease remains this Na-
s number one cause of death. The sad fact is that more than 40 million

Americans have one or more forms of heart or blood vessel disease. Strokes afflict almost two million people annually. As many as 1.5 million persons will have a heart attack this year, and approximately 550,000 of them will die. In all, diseases of the heart and blood vessels will take the lives of almost one million of our fellow citizens—some of whom may be our family members, our friends and our co-workers.

Almost as many people will die from cardiovascular disease during 1985 as from cancer, accidents, and all other causes combined. Economic losses will also run high. This Nation will spend an estimated \$72 billion in 1985 for medical treatment, lost salaries, rehiring and training, and insurance and disability claims resulting from heart and blood vessel disease.

The American Heart Association, a not-for-profit volunteer health agency, and the Federal government, primarily through the National Heart, Lung and Blood Institute, are providing hope. In 1948, those two organizations joined forces to seek ways to reduce early death and disability from heart disease, stroke, and related disorders. Since then, much has been accomplished through research, professional and public education, and community service programs.

We have learned, for example, that maintaining proper nutrition, not smoking, and controlling high blood pressure can make a significant difference in the rate of incidence of these diseases. As a result, the death rates for heart attacks and strokes are much lower today than they were in 1948.

Even more progress should result from efforts by the Federal government and the American Heart Association to make everyone more aware of the dangers of smoking. Tougher labeling laws for cigarette packaging and advertising enacted last year by Congress will help. Research projects, such as the Coronary Primary Prevention Trials concluded in 1984, have given new impetus to the American Heart Association's longstanding finding that control of blood cholesterol decreases risk for heart attacks and strokes. The American Heart Association has taken major steps to inform the public about the significance of those test results, to influence Americans to adopt a prudent diet, and to encourage the efforts of scientists who are unlocking the mysteries of heart and blood vessel diseases.

Recognizing the need for all Americans to help in the continuing battle against cardiovascular disease, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of February 1985 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, the officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to the resolution of the nationwide problem of cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5296 of January 29, 1985

National Day of Prayer, 1985

by the President of the United States of America

Proclamation

The history of the American Nation is one of conviction in the face of tyranny, courage in the midst of turmoil and faith despite the roils of doubt and defeatism. Throughout our 208 years of freedom, the people of the United States have drawn upon the lessons learned at the dawn of our liberty by acting "with a firm reliance on Divine Providence" and expressing gratitude for the many blessings a loving God has showered upon us.

These lessons have not been learned and honored without difficulty. During the Revolutionary War, the Continental Congress proclaimed a National Day of Prayer each year for eight years, a practice that ended with the winning of the peace in 1783. Decades later, while the Civil War raged, this observance was renewed by Abraham Lincoln. Responding to a Senate resolution requesting the President to designate and set apart a day for prayer and humiliation, Lincoln said that "intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us." He then called the Nation to prayer.

Our very existence as a free Nation, then, has provided potent witness to the efficacy of prayer. Grover Cleveland, in his First Inaugural Address, said, "Above all, I know that there is a Supreme Being who rules the affairs of men and whose goodness and mercy have always followed the American people, and I know He will not turn from us now if we humbly and reverently seek His powerful aid." Franklin D. Roosevelt, in his Fourth Inaugural Address, expressed the same thought, "The Almighty God has blessed our land in many ways. . . . So we pray to Him now for the vision to see our way clearly—to see the way that leads to a better life for ourselves and for all our fellow men—to the achievement of His will, to peace on earth."

Today our Nation is at peace and is enjoying prosperity, but our need for prayer is even greater. We can give thanks to God for the ever-increasing abundance He has bestowed on us, and we can remember all those in our society who are in need of help, whether it be material assistance in the form of charity or simply a friendly word of encouragement. We are all God's handiwork, and it is appropriate for us as individuals and as a Nation to call to Him in prayer.

A joint resolution of the Congress approved April 17, 1952, the recognition of a particular day set aside each year as a National Day of Prayer has become a cherished national tradition. Since that time, every President has proclaimed an annual National Day of Prayer, resuming the tradition begun by the Continental Congress. 36 USC 169h.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 2, 1985, as a National Day of Prayer. I call upon the citizens of this great Nation to gather together on that day in homes and places of worship to pray, each after his or her own manner, for the unity of the hearts of all mankind.

WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord nineteen hundred and eighty-five,

and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5297 of January 31, 1985

Modification of Tariffs on Certain Sugars, Sirups, and Molasses

By the President of the United States of America
A Proclamation

1. Headnote 2 of Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202), hereinafter referred to as the "TSUS," provides, in relevant part, as follows:

"(i) . . . if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in items 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . ."

"(ii) . . . any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; . . ."

2. I find that the modifications hereinafter proclaimed of the rates of duty applicable to items 155.20 and 155.30 of the TSUS give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement of Tariffs and Trade.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and Statutes of the United States, including section 201 of the Trade Expansion Act of 1962, and pursuant to General Headnote 4 and Headnote 2 of Subpart A, Part 10, Schedule 1 of the TSUS, do hereby proclaim until otherwise superseded:

A. The rates of duty in rate columns 1 and 2 for items 155.20 and 155.30 of Subpart A, Part 10, Schedule 1 of the TSUS are modified and the following rates are established:

	1	2
155.20	0.6625¢ per lb. less 0.009375¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.428125¢ per lb.	1.9875¢ per lb. less 0.028125¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 1.284375¢ per lb.
155.30	Dutiable on total sugar at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.	Dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.

B. The provisions of this Proclamation shall apply to articles entered, or withdrawn from warehouse, for consumption on and after the date of this Proclamation.

I, WITNESS WHEREOF, I have hereunto set my hand this 31st day of January, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5298 of February 2, 1985

Red Cross Month, 1985

By the President of the United States of America

Proclamation

Whenever disaster strikes, Americans everywhere count on the American Red Cross for immediate response.

In this past year, Red Cross volunteers aided victims of fires, tornadoes, floods, hurricanes, and other tragedies on more than 50,000 occasions. In the last six months, the American Red Cross has faced a special challenge. It mobilized its resources to help provide food and medical relief to 14 African nations suffering from a famine of mammoth proportions. By providing funds contributed by generous Americans and seeing to it that they are converted into food for the hungry, the Red Cross is fulfilling its humanitarian mission of helping those in distress.

The American Red Cross has handled this unprecedented challenge without sacrificing any of its ongoing responsibilities. Annually, Red Cross teaches millions of our fellow citizens vital lifesaving techniques in CPR, first aid, small craft operation, and water safety. Its thousands of volunteer donors provide blood to more than half of the Nation's medical facilities. Red Cross also serves the men and women of our Armed Forces and their families, furnishing financial assistance and handling emergency requests through its worldwide communications network.

What all this adds up to is an organization of Americans who have volunteered their money, their time, and their hearts to ensuring that all of us are provided with the most efficient and effective health and human services possible.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, and Honorary Chairman of the American National Red Cross, do hereby designate March 1985 as Red Cross Month, and I urge all Americans to give generous support to the work of their local Red Cross Chapter.

I, WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5299 of February 6, 1985

International Youth Year, 1985

By the President of the United States of America

Proclamation

America rejoices in the energy, the imagination, and the promise of her young people. Whether in voluntary service, athletics, education, music,

military service or within the family, young Americans display an enthusiasm, creativity, idealism, and dedication that have accomplished so much for our society and the world. Their patriotism and commitment to peace with freedom ensure a vigorous American democracy and a safer world in the years ahead.

In 1985 the United States joins the celebration of United Nations' International Youth Year. If we are to honor the potential of America's youth, we must remember that the most powerful force for progress comes not from governments or public programs, but from the vital traditions of a free people. Parents, youth organizations, and teachers deserve our support, encouragement, and thanks for the indispensable role they play in fostering and strengthening these traditions.

History makes clear that progress is swiftest when people are free to worship, create, and build—when they can determine their own destiny and benefit from their own initiative. The dream of human progress through freedom is still the most revolutionary idea in the world, and it is still the most successful. It is the priceless heritage America bestows on each new generation, with the hope that succeeding generations the world over will come to better know its fruits.

In the coming months, I urge American youth to reflect on our precious freedoms, to exchange ideas among themselves and with young people around the world, and to join with others in efforts to increase mutual understanding, enhance the observance of human rights, and promote world peace. In short, I urge our youth to be what they have been for many generations: America's proudest ambassadors of goodwill and our national values. One such opportunity is being offered by the people of Jamaica as they host the first-ever International Youth Conference in early April. The Conference will enable young Americans to discuss with their peers in other countries ways in which they can help shape the world of tomorrow.

Let all of us approach this year dedicated to youth by resolving to use our God-given talents and freedom to elevate our ideals, deepen our understanding, and strengthen our determination to make this world a better place for ourselves and for the generations of young people who will follow.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim 1985 as International Youth Year in the United States. I invite the Governors of the several States, the chief officials of local governments, and all Americans to observe this year with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5300 of February 11, 1985

National Big Brothers and Big Sisters Week, 1985

*By the President of the United States of America
A Proclamation*

No task is more important to the future of our society than raising the next generation. And few volunteer organizations have done more over the years

help our Nation perform that task successfully than the Big Brothers and Big Sisters of America. These are men and women who take time from their own responsibilities and families to offer a helping hand to young people in need. Big Brothers and Big Sisters offer youngsters support, counseling, and—most important of all—friendship.

The spirit of voluntarism exemplified by this organization is the foundation of our way of life. Americans have always been a compassionate and decent people, and they have never waited for directions from government before devoting their time and energy to helping their neighbors. The Big Brothers and Big Sisters of America are adding new luster to this old tradition.

The Congress, by House Joint Resolution 594, has designated the week of February 17 through February 23, 1985, as a time to recognize the contributions of volunteers who give their time to become Big Brothers and Big Sisters to youths in need of adult companionship and authorized and requested the President to issue a proclamation in observance of this week. 98 Stat. 3175.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the period from February 17 through February 23, 1985, as "National Big Brothers and Big Sisters Week." I call upon the people of the United States and local and national governmental officials to observe this day with appropriate ceremonies.

I WITNESS WHEREOF, I have hereunto set my hand this eleventh day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5301 of February 12, 1985

National DECA Week, 1985

By the President of the United States of America
Proclamation

The value of the free enterprise system in America is confirmed when the products of our research, our industry, and our agriculture improve the quality of people's lives not only in America, but throughout the world. And the genius of American business has been to make the wealth of its factories and farms accessible to all.

For thirty-eight years, the Distributive Education Clubs of America have introduced high school and college students to the challenges, skills, and responsibilities of delivering the products of our free enterprise system to those who use them. Now numbering some 150,000 members in all 50 States, the District of Columbia, and Puerto Rico, the Distributive Education Clubs of America are helping to prepare a cadre of professionals with the spirit of enterprise, the civic responsibility, and the complex skills needed to assure that America's strength in marketing keeps pace with the vast expansion of technology and the increasingly sophisticated needs of people in all parts of the world.

To give special recognition to the valuable contribution the Distributive Education Clubs of America are making to maintaining our Nation's eco-

Ante, p. 4.

conomic strength and to introducing young Americans to the opportunities and rewards of free enterprise, the Congress, by Senate Joint Resolution 36, has designated the week of February 10, 1985, through February 16, 1985, as "National DECA Week" and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning February 10 through February 16, 1985, as National DECA Week, and I call upon all government agencies, interested organizations, community groups, and the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5302 of February 16, 1985

Lithuanian Independence Day, 1985

By the President of the United States of America

A Proclamation

Sixty-seven years ago, a small nation achieved freedom in the aftermath of World War I. Proclaiming the Lithuanian Republic, its founders stepped forward on February 16, 1918, to assert their country's independence and commitment to a government based on justice, democracy, and the rights of individuals. Twenty-two years later, Soviet tyranny imposed itself on Lithuania and denied the Lithuanian people their just right of national self-determination as well as basic human freedoms.

Among the freedoms most consistently attacked by Soviet authorities is the freedom of religion. The victims of these attacks have often been Catholic Church figures, such as Father Alfonsas Svarinskas, Father Sigitas Tamkevicius, and, most recently, Father Jonas-Kastytis Matulionis. Their crimes: administering to the spiritual needs of the faithful.

Yet the people of Lithuania refuse to submit quietly. Hundreds of thousands of people have signed petitions demanding the release of priests and other human and civil rights leaders. Underground publications such as the sixty-fourth issue of the "Chronicle of the Catholic Church in Lithuania" and forty-first issue of "The Dawn," which have recently come to the West, continue to inform the world of ongoing persecutions.

Americans are united in an enduring belief in the right of peoples to live in freedom. The United States has refused to recognize the forcible incorporation of Lithuania into the Soviet Union. We must be vigilant in the protection of this ideal because we know that as long as freedom is denied to others, it is not truly secure here.

We mark this anniversary of Lithuanian Independence with a renewed hope that the blessings of liberty will be restored to Lithuania.

Congress of the United States, by House Joint Resolution 655, has designated February 16, 1985, as Lithuanian Independence Day and authorized the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim February 16, 1985, as Lithuanian Independence Day. I invite the people of the United States to observe this day with appropriate ceremonies and to reaffirm their dedication to the ideals which have inspired us and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5303 of February 20, 1985

National Safe Boating Week, 1985

*By the President of the United States of America
in Proclamation*

Americans increasingly look to the water for recreation and relaxation. Each year, approximately one-quarter of us will enjoy boating in one form or another of its many and varied forms. Therefore, it is important that all those involved in recreational boating observe proper safety practices, know and follow the rules of safe boating, and show courtesy and consideration on the water.

In addition, all boaters should wear personal flotation devices while on the water. According to the United States Coast Guard, seventy-five percent of the people who died in boating accidents last year might have been saved had they worn these devices.

The theme of this year's National Safe Boating Week emphasizes the dangers of combining alcohol consumption with operating a boat. The use of alcohol and other intoxicating substances is a major factor in boating accidents and fatalities. Boat operators who drink often cannot react promptly to hazards and thereby endanger not only themselves but also others on the water. The use of even small amounts of alcohol can significantly impair a boater's judgment and boat-handling skills. This is particularly true as fatigue caused by sun, glare, noise, wind, and boat motion intensifies the effects of alcohol. Through the observance of National Safe Boating Week, we, all Americans should be alerted to these dangers.

In recognition of the need for boating safety, the Congress, by joint resolution approved June 4, 1958, as amended (36 U.S.C. 161), authorized and requested the President to proclaim annually the week commencing on the first Sunday in June as National Safe Boating Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning June 2, 1985, as National Safe Boating Week. I invite the Governors of the States, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, and American Samoa,

and the Mayor of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5304 of February 21, 1985

Save Your Vision Week, 1985

*By the President of the United States of America
A Proclamation*

Good vision is a priceless treasure. Our ability to see the print in a book, the beauty of a sunset, and the faces of our loved ones is a gift that should be cherished and protected. Yet each year many Americans lose vision that could have been saved. To halt this tragic waste, we must make more people aware of the steps that all of us can take to safeguard our vision.

Of all sight-saving precautions, the most important is to have regular eye examinations by an eye care professional. Such check-ups are more valuable today than ever before. Thanks to vision research, effective treatment is now available to many people whose sight is threatened by eye disorders. But the greatest medical benefits generally go to those who get the earliest warning of serious eye disease. For them, there may be an opportunity to stop the disease before it has caused significant visual loss.

Middle age is a particularly good time for a person to take advantage of the protection that regular eye examinations can offer. This is because glaucoma, diabetic retinal disease, and several other disorders that are major causes of blindness tend to strike during the middle years of life.

Older Americans, too, should have regular eye check-ups. Cataract, macular disease, and a number of other age-related conditions that can rob elderly people of their vision are detectable by means of a routine eye examination. For many older Americans, learning of the existence of a visual problem is the first step toward obtaining the medical treatment or special visual aids that will allow them to go on leading active, independent lives.

Children also have much to gain from eye examinations. Even very young babies can benefit from discovery of an unsuspected eye problem that should be corrected while the child is still small. Some childhood eye problems, if left untreated, can cause a child to be needlessly handicapped at school and play or even lead to permanent visual loss.

An important concern for people of all ages is protecting the eye from injury. By wearing safety glasses, goggles, or face shields in all hazardous work situations and recreational activities, we can dramatically reduce the toll of visual loss caused by injuries.

There is yet another way for citizens to help improve the eye health of our Nation. Each of us can sign an organ donation card and carry it at all times to insure that after death our eyes are used for vision research and for people who must have a cornea transplant in order to see again.

to encourage people to consider how important their eyesight is and what they can do to preserve it, the Congress, by joint resolution approved December 20, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week in March of each year as "Save Your Vision Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning March 3, 1985, as Save Your Vision Week. I urge all Americans to participate in this observance by making eye care and eye safety an important part of their lives. Also, I invite eye care professionals, the communications media, and all public and private organizations committed to the goal of sight conservation to join in activities that will make Americans more aware of the steps they can take to protect their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5305 of February 21, 1985

Duty Reductions on High Technology Products

By the President of the United States of America
Proclamation

Pursuant to section 308 of the Trade and Tariff Act of 1984 (Pub. L. 98-33; 98 Stat. 2948, 3013) and section 128 of the Trade Act of 1974 (19 U.S.C. 2114), I have, through my duly empowered representative, entered into an agreement with Japan to achieve the negotiating objectives under section 4A(c) of the Trade Act of 1974 (19 U.S.C. 2114A). In order to obtain those objectives, in particular the maximum openness with respect to international trade and investment in high technology products, I have determined that the reduction to zero of existing column 1 duties provided for in the items of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) listed in section 128 is appropriate.

Accordingly, I have determined that the agreement should be implemented and duty-free treatment should be afforded to certain articles enumerated in section 128, effective on or after March 1, 1985. Furthermore, I authorize the United States Trade Representative (USTR), or his designee, on behalf of the United States of America, to modify the TSUS in order to make duty-free treatment effective for the remaining articles set forth in section 128.

Pursuant to section 604 of the Trade Act of 1974 (19 U.S.C. 2483), I have determined that technical corrections are necessary in order to implement modifications to the TSUS made by Proclamation 5291 of December 28, 1984 (50 F.R. 223), modifying duties on certain articles used in civil aircraft and globes. Certain new items in the TSUS created in the Annex to that proclamation must be redesignated to eliminate numbering conflicts resulting from the redesignation of other provisions by the Trade and Tariff Act of 1984.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and

19 USC 2138,
2483.
98 Stat. 3013.

the statutes of the United States, including but not limited to sections 128 and 604 of the Trade Act of 1974 and section 308 of the Trade and Tariff Act of 1984, do proclaim that:

(1) Items 687.72, 687.74, 687.77, 687.81, and 687.85 in part 5 of schedule 6 of the TSUS are modified by striking out, from the column entitled "Rates of Duty 1" for each item, the duty rate "4.2% ad val." and inserting in such column for each item the duty rate "Free". These modifications shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after March 1, 1985.

(2) Item 687.70 in part 5 of schedule 6 of the TSUS is modified by striking out, from the column entitled "Rates of Duty 1" for such item, the duty rate "4.2% ad val." and inserting in such column for such item the duty rate "Free". This modification shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after a date determined by the USTR and published in the **Federal Register** which is after the effective date of legislation making technical corrections in section 128 of the Trade and Tariff Act of 1984.

19 USC 2138.

(3) The USTR is hereby authorized to make any other modifications of the TSUS in order to make duty-free treatment effective for the remaining articles covered by section 128.

(4) The Annex to Proclamation 5291 is modified—

(a) by striking out, in the modification numbered 16, the item numbers "708.09" and "708.10" and inserting in lieu thereof "708.10" and "708.12", respectively; and

(b) by striking out, in the modification numbered 17, the item numbers "708.29" and "708.30" and inserting in lieu thereof "708.30" and "708.32", respectively.

These modifications are effective on or after December 28, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5306 of March 4, 1985

National Consumers Week, 1985

*By the President of the United States of America
A Proclamation*

America's economy has been revitalized by the highest level of consumer confidence in nearly twenty years. Our free enterprise system and the high productivity of American workers have made such economic growth possible, providing the American consumer with an unprecedented choice of goods and services.

As the range of consumer choice increases, competition compels our businesses to provide even greater value for consumer dollars. Increasingly, business leaders respond to consumer expectations by improving the quality, safety, and effectiveness of their products. Competition also generates reliable servicing.

This year's slogan for National Consumers Week, "Consumers Should Know," highlights the right of consumers to information about the products offered them. Knowledgeable, selective consumers make their dollars count. In that way, families not only enjoy better products but are able to put more money aside for future needs. Those savings translate into business investments, and that means growth for our Nation's economy.

Buyers and sellers alike should recognize the basic rights of consumers: the right to choice among products and services; the right to information enabling them to make sound purchases; the right to healthful and safe products; the right to be heard when products do not meet standards. Government at all levels will continue its responsible stewardship of consumer safety as well as its vigorous prosecution of illegal and deceptive practices. In the final analysis it is the knowledgeable consumer and the responsible business person whose decisions will determine the success or failure of products and services in the competitive marketplace.

In celebration of National Consumers Week, I encourage schools, community organizations, labor unions, businesses, the media, and consumers themselves to help further public awareness of consumer issues and services. I urge American consumers to take advantage of this opportunity to seek and enjoy the wealth of information available to all.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 21, 1985, as National Consumers Week.

WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5307 of March 9, 1985

Women's History Week, 1985

At the President of the United States of America
Proclamation

The history of the United States is the history of women and men working together to realize their dreams. In times of war and peace, of hardship and prosperity, we have shared disappointments and achievements.

Today there are more opportunities open to women than at any time in our history, and women are using these opportunities to excel in every field. Not even before our own era, courageous and persevering women had achieved leading roles in all walks of life. Women led reform movements, including the movement for women's suffrage; they ran businesses, entered the professions, and pioneered in activities such as art, literature, and science. These achievements have not always received the recognition they deserve, and one of the purposes of Women's History Week is to encourage Americans to remember this sometimes forgotten part of our heritage. By doing so, we will encourage the women of today to pursue their dreams wherever they lead—even to the stars, as our women astronauts have done.

In remembering the achievements of especially talented individuals, we could not forget the immense contribution made to our Nation by millions of women whose names we will never know. These women raised families,

worked part-time or full-time to support them, and passed on their love, hopes, and dreams to the next generation. They crossed deserts and mountains alongside their families and in times of national emergency, such as war, they undertook vital work in factories and on farms which enabled our Nation to survive and prosper. They were known only to their families, friends, and neighbors, but their influence on their communities was enormous. Whatever greatness our Nation has achieved, we owe in very large measure to them, and we should never overlook or forget their contribution.

Ante, p. 5.

In recognition of the many vital contributions of women to our Nation's history, the Congress, by House Joint Resolution 50, has designated the week beginning March 3, 1985, as "Women's History Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning March 3, 1985, as Women's History Week. I invite the Governors of the States, the chief officials of local governments, the scholars of our institutions of education, and Americans everywhere to mark this occasion with appropriate ceremonies and activities recognizing the contributions of women to our Nation and our culture.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of March, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5308 of March 14, 1985

To Amend Proclamation 5133 Implementing the Caribbean Basin Economic Recovery Act

By the President of the United States of America
A Proclamation

1. Section 212 of the Caribbean Basin Economic Recovery Act (the Act) (19 U.S.C. 2702) authorizes the President to designate certain countries and territories or successor political entities as "beneficiary countries" under the Act. In Proclamation 5133 of November 30, 1983, and Proclamation 5142 of December 29, 1983, I have designated 20 countries and territories as "beneficiary countries." I am now adding the Bahamas to the list of "beneficiary countries." I have notified the House of Representatives and the Senate of my intention to designate this country and given the considerations entering into my decision.

2. In order to add this country to the list of beneficiary countries, I am amending the Annex to Proclamation 5133.

19 USC 2703.

3. Section 213(a)(2) of the Act directs the Secretary of the Treasury to prescribe regulations implementing the provisions of the Act relating to articles eligible for duty-free treatment. Section 213(a)(2) also sets out certain specific provisions that Congress sought to have included in the eventual amendments to the Tariff Schedules of the United States. Proclamation 5133 is to be amended in order to bring the language of its Annex into direct conformity with the express intent of the Congress and to eliminate language no longer applicable to the duty-free entry of eligible articles by virtue of recent amendments to the implementing regulations.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to Section 212 of the Immigration and Nationality Act, do proclaim that:

19 USC 2702.

The list of countries in the Annex to Proclamation 5133 of November 30, 1983, is hereby amended by adding the Bahamas.

The Annex to Proclamation 5133 is further amended to strike the phrase "manufacturer or exporter of the article accompanied by an endorsement thereof by the importer or consignee" in Paragraph A of the Annex amending the language in general headnote 3(g)(ii)(B) of the Tariff Schedules of the United States and to replace it with the phrase "appropriate party."

19 USC 1202.

WITNESS WHEREOF, I have hereunto set my hand this 14th day of March, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Editorial note: For the text of the President's letters to the Speaker of the House of Representatives and the President of the Senate, dated Mar. 14, 1985, on his intention to sign Proclamation 5309, see the *Weekly Compilation of Presidential Documents* (vol. 21, p. 302).

Proclamation 5309 of March 21, 1985

Afghanistan Day, 1985

*By the President of the United States of America
In Proclamation*

In a time of prosperity, we do not think of hunger and hardship. In a time of peace, we do not think of suffering and war. In a time when our families are together and healthy, we do not think of the pain we would feel if they are pulled apart. Yet, for the people of Afghanistan, it is impossible to escape such thoughts, because terror, hardship, and suffering have become the everyday way of life ever since the Soviet Union brutally invaded and occupied their country over five years ago.

March 21 is the start of a New Year for the Afghan people. It is traditionally a holiday when they bring their families together to celebrate life's new beginnings and to rejoice and give thanks for God's many gifts. But in Afghanistan today it may be hard to remember the days when their country had peace, when there was enough food to eat, and when their families were safe, for the overwhelming majority of Afghans are engaged in a fierce struggle to end the Soviet occupation of their country and the rule of the puppet regime headed by Babrak Karmal.

The year 1984 was an especially hard one for the Afghans. The Soviets have become frustrated with their inability to crush the spirit of the Afghan Freedom Fighters and are increasingly turning their military might against the civilian population of the country, forcing hundreds of thousands more innocent people into exile away from their homeland.

Reports of Soviet atrocities and human rights violations are increasingly drawing the attention of the world's public. Respected organizations such as the United Nations Commission on Human Rights, Amnesty International,

and Helsinki Watch have recently released studies detailing the terror that the Soviets and the Karmal regime regularly inflict on the people of Afghanistan. Karmal's tenuous, and brutal, hold on power continues only because his rule is supported by more than 100,000 Soviet occupation troops.

All Americans are outraged by this growing Soviet brutality against the proud and freedom-loving people of Afghanistan. Moreover, the entire world community has condemned the outside occupation of Afghanistan. Six times, in fact, the UN General Assembly has passed strong resolutions—supported by the overwhelming majority of the world's nations—which have:

—called for the immediate withdrawal of foreign troops from Afghanistan;

—reaffirmed the right of the Afghan people to determine their own form of government and choose their economic, political, and social systems;

—reiterated that the preservation of the sovereignty, territorial integrity, political independence, and nonaligned character of Afghanistan is essential for a peaceful solution of the problem; and

—called for the creation of conditions that would enable the Afghan refugees to return voluntarily to their homes in safety and honor.

All Americans are united on the goal of freedom for Afghanistan. I ask the American people, at a time when we are blessed with prosperity and security, to remember the Afghan struggle against tyranny and the rule of government-by-terror. We stand in admiration of the indomitable courage of the Afghan people who are an inspiration to all freedom-loving nations around the globe.

Afghanistan Day will serve to recall the fundamental principles involved when people struggle for the freedom to determine their own future and the right to govern themselves without foreign interference. Let us, therefore, resolve to pay tribute to the brave Afghan people by observing March 21, 1985, as Afghanistan Day. Let us pledge our continuing admiration for their cause and their perseverance and continue to do everything we can to provide humanitarian support to the brave Afghan people, including the millions of Afghan refugees who have been forced to flee their own country.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim March 21, 1985, as Afghanistan Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5310 of March 22, 1985

National Skin Cancer Prevention and Detection Week, 1985

By the President of the United States of America
A Proclamation

Skin cancer is the most common cancer in the United States. It accounts for between 30 and 40 percent of all cancers and is increasing at a significant

e. Approximately 18,000 Americans will develop a primary melanoma and over 500,000 Americans will develop nonmelanoma skin cancer this year. Epidemiological studies show that the incidence of melanoma has doubled every decade since the 1930s and is now increasing at a faster rate than any other cancer, except lung cancer in women.

Melanoma has a mortality rate of 25 percent and causes 5,000 deaths per year, and nonmelanoma skin cancer causes another 2,000 deaths per year. The 1983 National Institutes of Health Consensus Conference on Precursors of Malignant Melanoma found that the incidence of melanoma and the number of deaths from melanoma are increasing in many areas of the country and found evidence that early recognition and surgical removal of melanoma make it a highly curable cancer.

Patients with increased risk of developing melanoma and nonmelanoma skin cancers can be identified, and early treatment of melanoma and nonmelanoma skin cancers results in high cure rates.

Sun exposure is an undisputed cause of nonmelanoma skin cancer and is an important factor in the development of melanoma. The number of skin cancers can be reduced through sun protection measures such as the use of sunscreening lotions and simple changes in lifestyle. The American Academy of Dermatology and State and local dermatologic organizations are committed to heightening the awareness and understanding of melanoma and nonmelanoma skin cancers among members of the general public and the health care community.

The first Melanoma and Skin Cancer Prevention and Detection Program, a coordinated national voluntary effort of professional dermatological organizations to reduce the increasing incidence of melanoma and nonmelanoma skin cancers and to better control such cancers, will be conducted in March 1985.

The Congress, by House Joint Resolution 85, has designated the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week" and authorized and requested the President to issue a proclamation in observance of this event.

Ante, p. 16.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of March 24, 1985, through March 30, 1985, as National Skin Cancer Prevention and Detection Week, and I urge health care professionals and all other interested persons and groups to assist efforts to advance the prevention and detection of skin cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of March, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5311 of March 22, 1985

Cancer Control Month, 1985

the President of the United States of America
Proclamation

The past year has witnessed steady, encouraging progress against cancer. The latest data show that 49 percent of all patients diagnosed with cancer survive five years or more. This compares with 48 percent last year and 46

percent the year before. And because of the lag time in collecting data, we believe the true five-year survival rate is better than 50 percent. For some of the major cancers, more than two-thirds of patients will survive beyond this five-year mark.

In addition, we are seeing steady gains in survival for patients with a number of specific cancers: melanoma, Hodgkin's disease and cancers of the lung, colon, prostate, and testis. For children under age 15 who develop cancer, the five-year survival rate has risen to 60 percent, up from 53 percent last year.

This record of continuing, steady gains assures us that we can meet our national goal for the year 2000: to reduce the 1980 cancer death rate in this country by one-half.

This is a realistic and achievable goal, built on the deeper understanding of cancer that we have derived from our research over the past decade and a half. We now have evidence, for example, that an individual can reduce personal cancer risk by a number of lifestyle choices. Quitting smoking is the single most important step an individual can take to reduce cancer risk. There are also a number of choices we can make in our daily diets that may help to reduce cancer risk, such as increasing the amount of fiber-rich foods, including fruits, vegetables, peas and beans, and whole-grain cereals. Another is to reduce the amount of fat in our diet.

Research designed to answer questions about ways to halt or prevent cancer is ongoing, including twenty-five studies concerning diet interventions. New community cancer programs have been formed to bring the latest in cancer care to patients in their own communities. A new computerized data base for physicians provides the latest information on cancer treatment. Trials of new therapies continue to seek better ways to help the cancer patient, and research to understand the nature of cancer at the cellular level continues to break new ground. We can look into the future with hope and optimism.

In 1938, the Congress of the United States passed a joint resolution (52 Stat. 148; 36 U.S.C. 150) requesting the President to issue an annual proclamation setting aside the month of April as "Cancer Control Month."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1985 as Cancer Control Month. I invite the Governors of the fifty States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag, to issue similar proclamations. I also ask health care professionals, the communications industry, and all other interested persons and groups to reaffirm our Nation's continuing commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of March, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5312 of March 27, 1985

Small Business Week, 1985

*By the President of the United States of America
A Proclamation*

The history of America is the history of a nation at work—a nation of farmers, manufacturers, and merchants joining together to build a better society.

The dedication and commitment of these early citizens provided the foundation for a growing and prosperous America—an America built on individual initiative, a competitive spirit, and an intense pride in the achievements of a new nation.

Today, this enterprising determination to work and to prosper is embodied in more than 14 million small businesses, which provide the technology to keep the economy growing, the manufacturing and marketing skills to keep the nation competitive, and the innovation to guide us into a better future. It is this enterprising genius that has helped small business create most of our new jobs and provide economic opportunities unsurpassed by any nation in the world.

Our sustained economic expansion is encouraging young Americans to form their own businesses. These aspiring entrepreneurs have always been on the leading edge of invention and progress in our society, and their confidence in the future has led to the creation not only of new jobs but of whole new industries. We all benefit from the contributions of small businesses and those who create them.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 5 through May 11, 1985, as Small Business Week and ask that all Americans join with me in saluting our small business men and women by observing that week with appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of March, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5313 of March 29, 1985

Suspension and Modification of Import Fees on Certain Sugars, Sirups and Molasses

By the President of the United States of America

A Proclamation

1. By Proclamation No. 5164 of March 19, 1984, I imposed import fees on certain sugars, sirups and molasses pursuant to Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624). 98 Stat. 3564.

2. The Secretary of Agriculture has advised me that he has reason to believe that changed circumstances require the termination of those import fees for articles described in item 956.15 of the Tariff Schedules of the United States (TSUS) and the modification of those import fees for articles described in items 956.05 and 957.15 of the TSUS. 19 USC 1202.

3. I agree that there is reason for such belief by the Secretary of Agriculture, and therefore I am requesting the United States International Trade Commission to make an investigation with respect to this matter pursuant to Section 22 of the Agricultural Adjustment Act of 1933, as amended.

4. The Secretary of Agriculture has further advised me that a condition exists with regard to the importation of those certain sugars, sirups and molasses requiring emergency treatment and therefore the import fees for articles described in TSUS item 956.15 should be suspended and the import

fees for articles described in TSUS items 956.05 and 957.15 should be modified without awaiting the report and recommendations of the United States International Trade Commission.

5. On the basis of the information submitted to me, I find and declare that changed circumstances require the suspension and modification of the import fees for sugars, sirups and molasses, as described below, without awaiting the report and recommendations of the United States International Trade Commission.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by Section 22 of the Agricultural Adjustment Act of 1933, as amended, and the Constitution and statutes of the United States of America, do hereby proclaim as follows:

A. The application of the fees prescribed for item 956.15 and the provisions of headnote 4(c) of part 3 of the Appendix to the Tariff Schedules of the United States are suspended.

19 USC 1202.

B. Items 956.05 and 957.15 of part 3 of the Appendix to the Tariff Schedules of the United States are amended by inserting "One cent per pound" in place of "An amount determined and adjusted in accordance with headnote 4(c)" in both places in which it occurs.

98 Stat. 3564.

C. The provisions of paragraph C of Proclamation No. 5164 are suspended.

D. This proclamation shall be effective as of 12:01 a.m. Eastern Standard Time April 1, 1985, and shall remain effective pending my action upon receipt of the report and recommendations of the United States International Trade Commission on this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of March, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Editorial note: For the text of the President's letter to the Chairman of the U.S. International Trade Commission, dated Mar. 29, 1985, on the subject of the import fees, see the *Weekly Compilation of Presidential Documents* (vol. 21, p. 385).

Proclamation 5314 of April 4, 1985

National Weather Satellite Week, 1985

*By the President of the United States of America
A Proclamation*

The United States' weather satellites have tracked the Earth's weather since April 1, 1960, and have brought unique benefits to the American people and to the world.

Weather satellites have proven exceptionally valuable in detecting, monitoring, and giving early warning of hurricanes, severe storms, flash floods, and other life-threatening natural hazards, on a local, national, and international basis.

The international weather satellite search-and-rescue program has saved over three hundred lives since 1982. The achievements of the scientific and aerospace communities in developing weather satellites have contributed significantly to the United States' leadership in satellite technology, interna-

ional cooperation in space, and an integrated global weather forecasting system.

Weather satellites have evolved into environmental satellites that also monitor snow and ice cover, forest damage, vegetation, forest fires, volcanic eruptions, sea surface temperatures, and ocean currents.

Environmental satellite data are used for research and for commercial purposes in meteorology, hydrology, agriculture, oceanography, forestry, and fisheries. The United States' prestige is enhanced by the direct dissemination of environmental satellite data to more than one hundred and twenty countries.

The National Aeronautics and Space Administration has been the world leader in the development of experimental and prototypical weather and environmental satellites. The National Oceanic and Atmospheric Administration of the Department of Commerce has demonstrated outstanding leadership in the management of operational weather and environmental satellite systems and programs.

The Congress, by Senate Joint Resolution 62, has designated the week of March 31, 1985 through April 6, 1985, as "National Weather Satellite Week," and authorized and requested the President to issue a proclamation in observance of this event. *Ante*, p. 31.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning March 31, 1985 through April 6, 1985, as National Weather Satellite Week. In recognition of the twenty-fifth anniversary of weather satellites, I call upon the people of the United States to observe such week with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5315 of April 4, 1985

National Child Abuse Prevention Month, 1985

By the President of the United States of America

A Proclamation

There is no more important test of a society than how it treats its children. Children are not only a joy to the parents who raise them; they also represent a society's future. It is imperative for American society to protect its children and nurture them.

More and more Americans are turning once again to strong and loving families as the best way to provide a nurturing environment for children. This is as it should be, but there are still many indications that we must do more to protect our children and show that we love each and every one of them. One of the most disturbing of these indications is the fact that more than 5 million children will be reported to local child protective agencies this year as suspected victims of child abuse or neglect. As a direct result of their maltreatment, many of these children will suffer diminished opportunity to develop physically, intellectually, emotionally, and socially, or to become fully contributing citizens.

Their loss is our Nation's loss. In the past decade, our knowledge of how to prevent and treat child abuse has grown substantially. The most important thing we have learned is that the active involvement of neighbors and friends—indeed of everyone in a community—is the key to success. Community child protection agencies cannot do the job alone but must rely on neighbors, friends, teachers, relatives, doctors, and volunteers to provide critical support, information, and guidance to families in which child maltreatment may occur.

Beyond these efforts, we should all consider every day the kind of society we want to create. Problems such as child pornography, violence on television, teenage suicide, missing children, and child abuse are all related to the strength or weakness of our society's values. We should resolve to strengthen the fundamental values of family and community on which our Nation was founded and which can alone provide it with a good future for all our children.

Ante, p. 33.

In recognition of our shared responsibility to reduce the occurrence of child abuse and neglect, the Congress, by House Joint Resolution 121, has designated the month of April 1985 as "National Child Abuse Prevention Month," and has authorized and requested the President to issue a proclamation in observance of this period.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1985 as National Child Abuse Prevention Month. As we observe this time, let us all consider the wholesome and secure development of our children on whom we depend to advance our national character and values.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5316 of April 4, 1985

World Health Week and World Health Day, 1985

By the President of the United States of America

A Proclamation

World Health Day, which marks the founding of the World Health Organization, serves to remind us that good health is a priceless commodity, which all the world's people should have the opportunity to enjoy throughout their life span.

The theme for World Health Day, 1985, "Healthy Youth: Our Best Resource," is particularly appropriate this year, which has been selected by the United Nations as International Youth Year. Today's youth represent a tremendous potential for society. In all countries, rich and poor, this group is the healthiest age group of all and is far better educated than preceding generations. They have survived the infectious diseases of childhood, such as measles, whooping cough, and polio. But they are also the most vulnerable to lifestyle practices that threaten later adulthood—poor food habits, cigarette smoking, abuse of alcohol and drugs, and inadequate exercise. It is our responsibility as parents and teachers to educate our youth on the importance of avoiding harmful drugs, practicing good safety measures, maintaining a proper diet, and getting regular exercise.

hermore, on World Health Day, the United States is pleased to join its
w members of the World Health Organization in promoting healthy
yth, and in pledging our continued support for efforts to improve the
th of people throughout the world.

Congress, by Senate Joint Resolution 50, has designated the week of *Ante*, p. 39.
il 1 through April 7, 1985 as "World Health Week" and designated April
1985 as "World Health Day," and authorized and requested the President
ssue a proclamation in observance of these events.

W, THEREFORE, I, RONALD REAGAN, President of the United States
merica, do hereby proclaim the week beginning April 1 through April 7,
, as World Health Week, and April 7, 1985 as World Health Day. I call
n all of the people of the United States to observe this week with appro-
te programs, ceremonies, and activities and by practicing the lifestyles
promote good health.

WITNESS WHEREOF, I have hereunto set my hand this 4th day of
l, in the year of our Lord nineteen hundred and eighty-five, and of the
pendence of the United States of America the two hundred and ninth.

RONALD REAGAN

clamation 5317 of April 4, 1985

ducation Day, U.S.A., 1985

the President of the United States of America
proclamation

order to achieve its highest goals, education must be more than just a
ing in facts and figures, or even in basic skills, as important as they
It must also include instruction in the deepest ethical values of our civ-
tion.

y few Americans have done more to promote these ethical values as the
s of civilization than Rabbi Menachem Mendel Schneerson, the leader
e worldwide Lubavitch movement. The word "Lubavitch" comes from
name of a Russian city and means city of love. That is very appropriate
ause, of all the ethical values which inform our civilization, none is
e important than love—love of wisdom, love of our fellowman, and love
ur Creator.

se are the values which Rabbi Menachem Mendel Schneerson exempli-
And they are the values, with their roots in the Seven Noahide Laws,
ch have guided the Lubavitch movement throughout its history. They
the essence of education at its best, and we should be certain that we
s on this precious heritage to all young Americans.

ecognition of Rabbi Schneerson's contributions and in honor of his 83rd
nday, which falls this year on April 2, the Congress, by House Joint Res-
ion 186, has designated April 2, 1985, as "Education Day, U.S.A." and *Ante*, p. 43.
authorized and requested the President to issue an appropriate proclama-
in observance of this event.

W, THEREFORE, I, RONALD REAGAN, President of the United States
merica, do hereby proclaim Tuesday, April 2, 1985, as Education Day,
A., and I call upon the people of the United States, and in particular our
hers and other educational leaders, to observe that day with appropri-
ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5318 of April 15, 1985

Pan American Day and Pan American Week, 1985

By the President of the United States of America

A Proclamation

The countries of the Western Hemisphere are bound together by their humanitarian ideals, their respect for individual liberty, and their yearning for peace and prosperity—goals eloquently expressed in the Charter of the Organization of American States. Just as our Revolution of 1776 was an inspiration for Simon Bolivar and Jose de San Martin, so we in the United States took inspiration from the struggle of our neighbors to be free from foreign domination. We continue to take courage from those great struggles for liberty today, when new forms of tyranny and modern totalitarian systems threaten the peace and security of the Hemisphere, especially in Central America.

The Organization of American States, embodying the Inter-American System, links together this diverse group of nations, with their Spanish, Portuguese, French, English, African, and Indian heritages. But whatever their creeds, languages, or cultures, the peoples of our Hemisphere are united in the common cause of ending poverty, disease, and illiteracy. The O.A.S. has played a notable role in this cause.

More and more countries of the Hemisphere are turning to democratic institutions to solve political, social, educational, and economic problems. They realize that peace, prosperity, and freedom are best served when the people, faced with a real choice of political parties, freely elect their own governments.

On this Pan American Day of 1985, the people of the United States extend warm greetings to all their neighbors in the Americas and reaffirm their active support for the Organization of American States and the principles for which it stands.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Sunday, April 14, 1985, as Pan American Day, and the week beginning April 14, 1985, through April 20, 1985, as Pan American Week. I urge the Governors of every State of the Union, and the Governor of the Commonwealth of Puerto Rico, and officials of the other areas under the flag of the United States of America to honor these observances with appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5319 of April 15, 1985

Loyalty Day, 1985

the President of the United States of America

Proclamation

Providence has favored our land, with its abundant resources and industrious people, and the years of adversity in our history have been few. Yet even during the dark hours, the times of conflict or economic hardship, Americans have demonstrated their unwavering devotion to the noble ideals upon which this country was founded. Our faith in the principles of freedom, justice, and opportunity has sustained us. We have prevailed over every challenge and our success shines as a beacon of hope for the world, an enduring reminder that adherence to the fundamental values of liberty will overcome any obstacle.

Today these values are enjoying renewed allegiance in America and elsewhere; the advantages of our democratic way of life are winning the United States new admiration and respect around the world.

Americans' loyalty to their Nation is especially inspiring because it is freely chosen by a free people. Nations that seek to compel the love or fidelity of their citizens without tolerance for their unalienable rights are inherently unstable and frequently dangerous to others. Now that the windows of communication and commerce are bringing nations into increasingly close relationships, the truths our forefathers found self-evident are becoming apparent to all: the future belongs to the free—to peoples who are free to work, to assemble, to vote, to travel and to emigrate, to print and to speak, and to worship as they choose.

Today, in this time of peace and prosperity at home, it is fitting that we reflect upon the venerable ideals that symbolize the American spirit. By remaining loyal to these ideals, we will be worthy of the trust a generous God has reposed in us. For this purpose, the Congress, by joint resolution approved July 18, 1958 (72 Stat. 369, 36 U.S.C. 162), has designated May 1 of each year as Loyalty Day, a day to renew our commitment to this grand Republic and its democratic institutions.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 1, 1985, as Loyalty Day and call upon all Americans and patriotic, civic, and educational organizations to observe that day with appropriate ceremonies. I also call upon all government officials to display the flag of the United States on all government buildings and grounds on that day.

WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5320 of April 15, 1985

Law Day, U.S.A., 1985

the President of the United States of America

Proclamation

May 1, 1985, is Law Day, U.S.A. This year's Law Day theme, "Liberty and Justice for All," reaffirms the principles upon which our Republic was

founded. The guarantee of liberty and the right to seek justice emerged through law: through the Declaration of Independence, the Constitution, and the Bill of Rights. As Americans, we continue to preserve these principles through our lawmaking and judicial systems.

Each time we recite the Pledge of Allegiance, we renew our commitment to providing the benefits of liberty and the reality of justice for all.

These principles have served and continue to serve as an inspiration to everyone in this great Nation, because they represent a promise, an ideal, and an opportunity. It is the promise of liberty and justice for all that has brought millions of immigrants to American shores. It is the ideal of liberty and justice for all that has guided our government in making and enforcing our laws. It is the opportunity for liberty and justice for all that has inspired Americans from all walks of life to participate in and give life to our unique form of government.

The fact that we continue to strive to be one Nation, under God, with liberty and justice for all, is a tribute to the memory of the millions of Americans who, throughout our history, have been willing to die to secure or preserve these ideals. The great patriot Patrick Henry's impassioned plea, "Give me liberty or give me death," continues to symbolize today the fervor with which Americans treasure these freedoms.

Law Day is an important opportunity for all Americans to improve their understanding and appreciation of the contribution law makes to the preservation of liberty and justice. I urge all Americans to join with me in renewing our dedication to those principles for which so many Americans have sacrificed their lives.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Wednesday, May 1, 1985, as Law Day, U.S.A. I urge the people of the United States to use this occasion to renew their commitment to the rule of law and to reaffirm our dedication to the partnership of law and liberty. I also urge the legal profession, schools, civic, service, and fraternal organizations, public bodies, libraries, the courts, the communications media, business, the clergy, and all interested individuals and organizations to join in efforts to focus attention on the need for the rule of law. I also call upon all public officials to display the flag of the United States on all government buildings open on Law Day, May 1, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5321 of April 19, 1985

Jewish Heritage Week, 1985

*By the President of the United States of America
A Proclamation*

Those who set out to describe Jewish contributions to Western Civilization soon learn how enormous is their task. The Jewish people have contributed to the West its fundamental spiritual values. They introduced the world to monotheism and to the high ethical principles expressed in the Ten Commandments and the writings of the Prophets. The other great religions of

West—Christianity and Islam—can recognize their roots in Judaism. Western literature owes many of its most inspiring themes and allusions to the Hebrew Bible. Great Jewish thinkers—from Philo of Alexandria, to Maimonides and Saadya Gaon, to Spinoza and Martin Buber—have engaged in a powerful symbiotic dialogue with Christian and Muslim writers to add vital insights to the Western philosophical tradition. In addition, individual Jews have made extraordinary contributions to the arts, literature, sciences, and humanities.

Throughout history the Jewish people have endured countless bloody massacres from the Inquisition to pogroms throughout Europe. None of these remotely approaches the genocidal undertaking of the Nazis who planned the wholesale destruction of European Jewry. In our own time this was conceived and, before we could stop it, it had taken the lives of six million Jewish men, women, and children.

Even as we herald the glory of the Jewish heritage, we commemorate as well all Jewish suffering in this era. It is up to us to show the way out of this painful cycle. We must remember the sins of the past and rededicate ourselves to shaping a future marked by tolerance, respect, and compassion. We must rededicate ourselves to the proposition that the Holocaust will remain a solitary horror and that its like will never be repeated.

Jews throughout the world have just celebrated Passover, the holiday that marks the Exodus from Egypt and the deliverance from slavery. The Jewish people came forth from the house of bondage and flowered with an abundance of creativity which has maintained itself until the present day. We learn from this that the emergence from slavery to freedom can release powers hidden within the human spirit, as the Jewish people have once again shown since the end of the Nazi terror. The faith in God and in the Jewish people which sustained them through these tribulations has infused new life into the Jewish communities in America and the State of Israel.

In recognition of the special significance of this time of year for America's Jews, in tribute to the contributions they have made to American life, and in an effort to foster understanding and appreciation of the cultural diversity that has made America a unique society, the Congress, by Senate Joint Resolution 17, has designated April 21 through April 28, 1985, as "Jewish Heritage Week" and authorized and requested the President to issue a proclamation in observance of this event.

Ante, p. 52.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim April 21 through April 28, 1985, as Jewish Heritage Week. I call upon the people of the United States, Federal, State, and local government officials, and interested organizations to observe that week with appropriate ceremonies and activities.

WITNESS WHEREOF, I have hereunto set my hand this 19th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Official note: For the President's remarks of Apr. 19, 1985, on signing Proclamation 5321, see the *Weekly Compilation of Presidential Documents* (vol. 21, p. 477).

Proclamation 5322 of April 19, 1985**Victims of Crime Week, 1985**

*By the President of the United States of America
A Proclamation*

The primary function of a government is to ensure that its citizens can live safely in their communities. Yet each year millions of our citizens face the reality of violent crime, and their lives are forever changed by these acts. Many are afraid to leave their homes after dark. Others are barricaded inside with multiple locks on their doors and steel bars on their windows.

The strength of our justice system depends, in large part, upon the willingness of the innocent victims of crime to cooperate with it. Unless victims participate in the judicial process, society cannot punish criminals and prevent them from committing more crimes. While we need the help of innocent victims, they in turn deserve our support. They do not ask for pity. They ask only for our support as they recover from an unexpected, unwanted, and undeserved trauma.

After decades when most concern was focused on the rights of criminals, the public has recognized that the victims of criminals have rights also. Guided by the recommendations of the President's Task Force on Victims of Crime, my Administration is striving to ensure fair treatment for innocent victims. We are working with national organizations, as well as State and local agencies, to help people whose lives have been shattered through no fault of their own.

One of the most encouraging developments in this regard was the passage of the Victims of Crime Act of 1984, which offers unprecedented assistance to States to meet some of the needs of the targets of violent behavior. We have examined in particular the plight of people who are assaulted by people they know and trust, and we have proposed reforms to assure them the full protection of the law. It is the nature of the crime, not the relationship of the victim to the offender, that should guide the actions of the justice system.

We may reduce the frequency of violent crime, but we will never eliminate it. Every year millions of our fellow citizens will face it for the first time, and millions more will continue to face the daily challenge of lives forever changed by it. As citizens of a Nation promising justice for all, they must be treated with respect and compassion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 14, 1985, as Victims of Crime Week. I commend those innocent victims who have turned their anguish into action to protect their fellow citizens. I urge officials at all levels of government to give special attention to the burdens crime victims face. I ask that all Americans listen and respond to the needs of crime victims, who urgently require and deserve our support.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

42 USC 10601
note.

Proclamation 5323 of April 22, 1985

World Trade Week, 1985

By the President of the United States of America

Proclamation

Each year, through World Trade Week, we celebrate the many ways in which international trade strengthens our country and enriches our lives.

Increased trade strengthens our own economy, as well as helping to sustain and spread world economic growth. American exports help create new growth opportunities for our businesses and new opportunities for employment for our workers. To the American consumer, freer and fairer trade has meant better products in greater variety and at lower prices.

Through contact with other societies, we receive new ideas and gain a better understanding of our traditional values. We reinforce our ties of friendship and peace with other countries through strong bonds of commercial interest and mutual respect.

We Americans are used to a role of responsible leadership in world affairs. This is a role we value, and it has won us the respect of other nations. We know that more jobs, greater prosperity, and dynamic economies are based on freer and fairer trade. Other countries take courage from our confidence and competitive spirit.

Despite stronger competition for world markets, record trade deficits, and a growing threat of protectionism abroad, the United States has resisted the temptation to adopt self-defeating protectionist measures of its own. We have called upon other countries to open their markets to fair competition. We are working with our trading partners to launch a new round of multilateral trade negotiations by early next year aimed at opening markets worldwide.

Americans can be proud that economic growth in the United States has helped fuel the recovery of our trading partners who can now afford to buy more of our goods and services. Americans can be proud of the U.S. commitment to policies promoting unrestricted trade and investment consistent with our security interests.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 19, 1985, as World Trade Week, and I request all Federal, State, and local officials to cooperate in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5324 of April 22, 1985

National Organ Donation Awareness Week, 1985

By the President of the United States of America

Proclamation

The most precious gift that one human being can bestow upon another is the gift of life. It can be given simply by making arrangements to donate

our organs or those of our loved ones after death. Donation of our corneas would give others the gift of sight; donation of our kidneys, hearts, lungs, livers, and pancreata could save the lives of many people who might otherwise die.

On several recent occasions, I have asked the American people to be aware of the opportunities to donate their organs, and I have made special pleas for young children in need of liver transplants. The response proved to be overwhelming. Tragically, however, many desperately ill persons, including young children, have died while awaiting a suitable organ.

The need for organs far surpasses the number donated each year. To increase the availability of organs for transplantation, I signed the National Organ Transplant Act on October 19, 1984. This law created an Office of Organ Transplantation in the Public Health Service and authorized a Task Force on Organ Transplantation.

It is appropriate that we as a Nation encourage organ donation and increase public awareness of the need for such donations. We also should recognize the many contributions of private organizations, including the American Council on Transplantation, to this effort. By filling out a uniform donor card and carrying it, and by making our wishes of donation known to our families, we may give the gift of life to people who so desperately need organs for transplantation.

Americans are a caring and giving people. I have heard from many Americans who have lost their loved ones in tragic accidents, but who have found solace in knowing that through their loss other lives were saved.

The Congress, by Senate Joint Resolution 35, has authorized and requested the President to issue a proclamation designating the week beginning April 21 through April 27, 1985, as "National Organ Donation Awareness Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate April 21 through April 27, 1985, as National Organ Donation Awareness Week. I urge all health care professionals, educators, the media, public and private organizations concerned with organ donation and transplantation, and all Americans to join me in supporting this humanitarian action.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5325 of April 22, 1985

Asian/Pacific American Heritage Week, 1985

*By the President of the United States of America
A Proclamation*

The Pacific Ocean today is ringed by a large number of successful developed and developing nations. So rapid has the progress of this area been that many scholars are beginning to speak of an emerging Pacific Civilization similar to the Mediterranean Civilization of the ancient world or the Atlantic Civilization of modern times. America is well-placed to play a major role in this emerging civilization not only because of its geographic

42 USC 201 note.

Ante, p. 45.

position but also because many of its citizens are themselves of Asian and Pacific ancestry.

Americans of Asian and Pacific ancestry are a diverse group, representing many different ethnic allegiances as Americans of European ancestry, but certain common values characterize them all. Whether as immigrants to our country or as native inhabitants in the islands of the Pacific Ocean, they have retained a strong sense of traditional values emphasizing vital family and communal bonds. These values remain strong today and play an important role in the success achieved by these proud Americans.

Asian and Pacific Americans have been successful in virtually every field of endeavor. Through their achievements in many areas, they have enriched the lives of all Americans. By sharing their cultures with other Americans, they have increased our Nation's rich cultural vitality. Asian and Pacific Americans have truly helped the United States to fulfill its most cherished ideals.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 5, 1985, as Asian/Pacific American Heritage Week and call upon all Americans to observe this week with appropriate ceremonies and activities.

I WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-five, and the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5326 of April 23, 1985

National Defense Transportation Day and National Transportation Week, 1985

By the President of the United States of America
Proclamation

Our Nation's history can be traced through the development and growth of transportation in America. Our country has grown as transportation has given us access to new geographic, economic, and technical frontiers.

During colonial days, Americans were dependent on the river systems and ocean ports still used in commerce today. President Thomas Jefferson commissioned Lewis and Clark to explore the West through our rivers, providing new opportunities for trade and commerce. In 1825, the Erie Canal, connecting Buffalo to New York, opened the Great Lakes for settlement and industry.

Pioneers broke new ground to the West by way of the Cumberland Road in 1811. Other highways were soon developed to move people and goods across the wilderness. Completion of the first transcontinental railroad in 1869 joined East to West, ushering in a new era of transportation, strengthening American commerce.

Aviation history was made at Kitty Hawk in 1903, launching an aviation system now serving over 300 million passengers a year. Today, we are witnessing the beginning of a new era in space transportation with the development of commercial space vehicles.

As our cities grew, transit systems evolved to provide affordable, convenient urban transportation. The 20th Century brought the automobile, truck, intercity bus, rapid rail systems, and an expanded road system that now includes thousands of miles of interstate highways.

As has been true throughout our history, transportation today is critical to our economy and necessary to our defense. America's transportation systems have made our society the most mobile on earth. A diverse transportation network has assured the rapid, safe, and dependable movement of people and goods throughout the country and around the world.

In recognition of transportation's importance, and to honor the millions of Americans who serve and supply our transportation needs, the Congress, by joint resolution approved May 16, 1957, has requested that the third Friday in May of each year be designated as National Defense Transportation Day; and by joint resolution approved May 14, 1962, that the week in which that Friday falls be proclaimed National Transportation Week.

36 USC 160.

36 USC 166.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, May 17, 1985, as National Defense Transportation Day and the week beginning May 12, 1985, through May 18, 1985, as National Transportation Week. I urge the people of the United States to observe these occasions with appropriate ceremonies that will give full recognition to the importance of our transportation system to this country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5327 of April 25, 1985

National DES Awareness Week, 1985

By the President of the United States of America

A Proclamation

Between 1941 and 1971, a number of pregnant women in the United States were prescribed DES (diethylstilbestrol) to prevent miscarriage. This powerful synthetic hormone was used not only in problem pregnancies but also in some normal pregnancies. As a result, some three million children were exposed to DES while in the womb.

Many scientists fear that exposure to DES may be linked to some forms of cancer. This fear is enough to call attention to the possible health threats faced by past users of DES and their children. Many of the cancers that may be related to DES can be effectively treated if detected at an early, localized stage. Awareness of the threats posed by past DES use should result in increased attention to regular checkups, the first step to effective detection and treatment.

To increase the public understanding of DES exposure, the Congress of the United States, by Senate Joint Resolution 63, has designated the week of April 21 through April 27, 1985, as "National DES Awareness Week" and

thorized and requested the President to issue a proclamation calling for
servance of this week.

OW, THEREFORE, I, RONALD REAGAN, President of the United States
America, do hereby proclaim the week of April 21 through April 27, 1985,
National DES Awareness Week. I call upon all government agencies and
the people of the United States to observe this week with appropriate ac-
tivities.

WITNESS WHEREOF, I have hereunto set my hand this 25th day of
April, in the year of our Lord nineteen hundred and eighty-five, and of the
independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5328 of April 25, 1985

Older Americans Month, 1985

By the President of the United States of America
Proclamation

Within recent years, older Americans have achieved economic parity with
the rest of our Nation's population. This welcome development has meant a
new sense of independence for most older Americans.

The tremendous strides that we as a Nation have made in our standard of
living and health care have also meant that each succeeding generation of
older Americans is proving to be more vigorous and self-sufficient than
were its forebears at comparable ages. This translates into a real increase
in independence for our Nation's older people.

In the years ahead, we can enhance our personal independence even further
by pursuing lifestyles designed to protect our health; by thoughtful plan-
ning for our retirement years; and by maintaining strong and close ties with
our families, neighbors, and friends.

Our rich heritage of neighbor assisting neighbor continues to thrive not only
in its original form, but also as manifested in the emergence of a variety of
private helping organizations at the community level. For those older Amer-
icans who need outside support to maintain the independence we cherish,
it is reassuring to know that assistance is available through a nationwide
network of State and area agencies and also private agencies who devote
services to the elderly.

Each of us can enrich the lives of others—and ennoble our own lives—by
volunteering in whatever way we can to help older Americans in need of
assistance. Age is no barrier to this effort, which should involve families,
neighbors, and friends, as we help others continue to realize the dream of
independence.

When we—each in our own way—strive to maintain our independence and
help others to do the same, we will be fulfilling the theme of this year's
Older Americans Month, "Help Yourself to Independence."

OW, THEREFORE, I, RONALD REAGAN, President of the United States
of America, do hereby proclaim the month of May 1985 as Older Americans
Month. I ask public officials at all levels, community agencies, educators,
the communications media, and the American people to take this opportuni-
ty to honor older Americans and to encourage them to do everything they
can to make their health last a lifetime.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5329 of April 25, 1985

Fair Housing Month, 1985

By the President of the United States of America

A Proclamation

1985 marks the seventeenth anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly referred to as the Federal Fair Housing Act. That law declared it to be a national policy to provide, within constitutional limits, for fair housing throughout the United States. In particular, that Act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin.

42 USC 3601
note.

Fairness is the foundation of our way of life and reflects the best of our traditional American values. Invidious, discriminatory housing practices undermine the strength and vitality of America and her people. In this seventeenth year since the passage of the Fair Housing Act, let us work together to strengthen enforcement of fair housing laws for all Americans so as to make the idea of nondiscriminatory housing a reality.

42 USC 3601
note.

Ante, p. 30.

The Congress, by Senate Joint Resolution 79, has designated the month of April 1985 as "Fair Housing Month" and authorized and requested the President to issue an appropriate proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1985 as Fair Housing Month, and I invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5330 of April 26, 1985

Prayer for Peace

Memorial Day, May 27, 1985

By the President of the United States of America

A Proclamation

Memorial Day is the one day we set aside each year for a special observance of the sacrifices Americans have made throughout our history for the ideals of peace, freedom, and justice for all. It is fitting upon this occasion

...t we look forward with hope to the future and also back with remem-
...nce to the commitment and bravery of previous generations of Ameri-
...s.

...s year, we observe the fortieth anniversary of the end of the most de-
...ctive war the world has ever known—a war the United States did not
...nt but nevertheless fought with total commitment to protect the most
...rished human ideals. Throughout that war, and in our foreign relations
...rward, we have sought to achieve true and lasting peace for all the
...ple of the world.

...ay, our desire for peace is equally great. In our observances this Memo-
...Day, we honor the brave Americans who paid the highest price for
...ir commitment to the ideals of peace, freedom, and justice. Our debt to
...m can be paid only by our own recommitment to preserving those same
...als. But our recommitment cannot be for ourselves alone. It must also be
...our children, and for the generations yet to come. Peace, freedom, and
...ice are not things that were won for us two hundred years ago or forty
...rs ago; they must be won again and again by each successive genera-
...n.

...d so today, let us pray for peace; and let us remember those who gave
...much for peace that the ideals of the West may survive.

...recognition of those Americans to whom we pay tribute today, the Con-
...ss, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the
...sident to issue a proclamation calling upon the people of the United
...tes to observe each Memorial Day as a day of prayer for permanent
...ce and designating a period on that day when the people of the United
...tes might unite in prayer.

...W, THEREFORE, I, RONALD REAGAN, President of the United States
...America, do hereby designate Memorial Day, Monday, May 27, 1985, as
...ay of prayer for permanent peace, and I designate the hour beginning in
...h locality at 11 o'clock in the morning of that day as a time to unite in
...yer. I urge the press, radio, television, and all other information media to
...perate in this observance.

...so request the Governors of the United States and the Commonwealth of
...erto Rico, and the appropriate officials of all local units of government, to
...ect that the flag be flown at half-staff during this Memorial Day on all
...ldings, grounds, and naval vessels throughout the United States and in
...areas under its jurisdiction and control, and I request the people of the
...ited States to display the flag at half-staff from their homes for the cus-
...mary forenoon period.

...WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth
...y of April, in the year of our Lord nineteen hundred and eighty-five, and
...the Independence of the United States of America the two hundred and
...th.

RONALD REAGAN

Proclamation 5331 of April 29, 1985

National Child Safety Awareness Month, 1985

the President of the United States of America

Proclamation

...ay has been designated as National Child Safety Awareness Month this
...ar, but for a mother or father who has suffered the tragedy of a missing

child, the nightmare is not confined to one day, one week, or one month. It stays with them until their child is found. For all too many parents, it stays with them forever.

More than 1,500,000 children have been reported missing in the United States, but until recently there was little concerted action to deal with this problem. Today, however, a new spirit of activism is bringing together parents, law enforcement officials, and community agencies in an energetic drive to increase public awareness of the need to protect our Nation's children.

One of the most encouraging developments in this regard was the establishment of the National Center for Missing and Exploited Children. This Center disseminates educational material about child safety, offers information about voluntary identification procedures for young people, and maintains a toll-free hotline to help locate missing children. It is providing a needed focus for our Nation's efforts to stem this serious problem.

The safety of our children is everyone's responsibility, and by working together we can make a difference. It is important for parents to instruct their children at an early age and ensure that they know their complete name, address, and how to dial their telephone number. The public and private sectors can provide the assistance that is needed by children who are victims of abuse, including safe and secure shelter for runaway and homeless youth to protect them from the dangers they might encounter on the streets. Corporations can be helpful by publicizing the plight of missing children to facilitate their identification and return home.

The most important thing we can all do, however, is to create a society in which our children are respected, loved, and cherished. The family is the natural place for demonstrating this love and respect, but the spirit of respect for family values should be spread widely throughout society. Activities such as child pornography should be straightforwardly condemned as inconsistent with a society that truly loves its children and respects the integrity of the childhood years. By speaking up and making their voices heard, concerned Americans can make a big difference in the kind of society our children will grow up in and, even more, in their ability to grow up with the love and security that should be every child's birthright.

Ante, p. 59.

The Congress, by House Joint Resolution 33, has designated the month of May 1985 as "National Child Safety Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 1985 as National Child Safety Awareness Month. I call on all Americans to join the effort to protect our children to ensure a healthy and productive generation of Americans as our contribution to the future.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

cult. The rewards of a romantic adventure could sometimes be more than overbalanced by the dangers a traveler might encounter along the way.

Today, the travel and tourism sector of our economy constitutes the second largest retail industry in the United States. The benefits of travel remain as enticing as ever, but the hazards and dangers have largely disappeared. Americans who want to travel abroad can experience the tremendous diversity of the world's cultures on group excursions or on individually designed tours.

Many Americans, however, are choosing to remain near home and explore the natural beauties and historic monuments of our own Nation. And many citizens of foreign lands are joining them in discovering that America's rich history and scenic wonders make it an excellent place to take a vacation.

98 Stat. 1618.

The Congress, by Public Law 98-424 of September 25, 1984, has designated the week beginning May 19, 1985, as "National Tourism Week" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 19, 1985, as National Tourism Week. I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5334 of April 30, 1985

Helsinki Human Rights Day, 1985

By the President of the United States of America

A Proclamation

May 7, 1985, marks the opening session in Ottawa of the Human Rights Experts Meeting of the Conference on Security and Cooperation in Europe. This meeting is mandated to deal with questions concerning the record of all 35 CSCE states in protecting human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act. This is the first CSCE meeting that has ever been devoted exclusively to human rights issues. It visibly manifests the success of joint U.S.-West European efforts to utilize CSCE as a major forum for discussions on human rights.

The United States delegation will work tirelessly to achieve meaningful results at this assembly, which discusses an issue of great concern to this Nation.

Human rights and fundamental freedoms lie at the heart of the commitments made in the Helsinki Accords of 1975 and in the Madrid Concluding Document of 1983. These documents set forth a clear code of conduct, not only for relations among sovereign states, but also for relations between states and their citizens. They hold out a beacon of hope for those in the East who seek a freer, more just, and more secure life. We and the other

Proclamation 5332 of April 29, 1985

Mother's Day, 1985

By the President of the United States of America

Proclamation

For most of this century, we have set aside the second Sunday in May as a special day when we honor our mothers. It is very appropriate that we do so because from the earliest days of our country, mothers have played a major role in building America into a great Nation. The fortitude, courage, and love of family and country shown by these brave pioneer women lives on in mothers today.

It is especially important that we honor mothers today, because we are more aware than ever before of the importance of the family unit, in which mothers play so central a role. Families are truly the foundation of society, and mothers the vital foundation of the life of the family. Their influence on the training and education of our youth is so deep and pervasive that it is impossible to measure.

When we honor mothers, therefore, we honor the women who shape our Nation's future. Their collective effect on the America our children will inherit is greater than that of any act of Congress or any Presidential decision. I am happy, therefore, to have this chance once a year to pay them tribute.

In recognition of the contributions of all mothers to their families and to the Nation, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 142), has designated the second Sunday in May each year as Mother's Day. I have requested the President to call for its appropriate observance.

36 USC 142.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby request that Sunday, May 12, 1985, be observed as Mother's Day. I direct government officials to display the flag of the United States on all Federal government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5333 of April 29, 1985

National Tourism Week, 1985

By the President of the United States of America

Proclamation

Travel has long been recommended as a way to broaden the mind and refresh the spirit. But in previous ages, travel was often hazardous and diffi-

antic democracies will not waver in our efforts to see that these commitments are someday fully honored in all of Europe.

us as Americans look once again to our commitment to implement fully human rights and humanitarian provisions of the Helsinki Accords, because these freedoms are fundamental to our way of life. Let us pledge ourselves once again to do everything in our power so that all men and women may enjoy them in peace. In doing so, we call on all 35 CSCE states to dedicate themselves to upholding these humane principles.

The Congress, by Senate Joint Resolution 15, has designated May 7, 1985, as "Helsinki Human Rights Day" and authorized and requested the President to issue a proclamation reasserting our commitment to the Helsinki Accords.

Ante, p. 56.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 7, 1985, as Helsinki Human Rights Day and call upon all Americans to observe this day with appropriate observances that reflect our continuing dedication to full implementation of the commitment to human rights and fundamental freedoms made in the Helsinki Accords.

WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5335 of May 6, 1985

Jonas E. Salk Day, 1985

the President of the United States of America

Proclamation

One of the greatest challenges to mankind always has been eradicating the presence of debilitating disease. Until just thirty years ago poliomyelitis occurred in the United States and throughout the world in epidemic proportions, striking tens of thousands and killing thousands in our own country each year.

Jonas E. Salk changed all that. This year we observe the 30th anniversary of the licensing and manufacturing of the vaccine discovered by this great American. Even before another successful vaccine was discovered, Salk's discovery had reduced polio and its effects by 97 percent. Today, polio is not a familiar disease to younger Americans, and many have difficulty appreciating the magnitude of the disorder that the Salk vaccine virtually wiped from the face of the earth.

Jonas E. Salk always had a passion for science. It was because of this that he finally chose medicine over law as his career goal. Even after his great discovery, he continued to undertake vital studies and medical research to benefit his fellowman. Under his vision and leadership, the Salk Institute for Biological Studies has been in the forefront of basic biological research, bringing further benefits for mankind and medical science.

In recognition of his tremendous contributions to society, particularly for his role in the epochal discovery of the first licensed vaccine for poliomyeli-

Ante, p. 63.

tis, and in celebration of the thirtieth anniversary of its mass distribution, the Congress, by House Joint Resolution 258, has designated May 6, 1985, as "Dr. Jonas E. Salk Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 6, 1985, as Dr. Jonas E. Salk Day. I urge the people of the United States to observe the day with appropriate tributes, ceremonies, and activities throughout the Nation and by paying honor, at all times, to this outstanding physician and to his life's work.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5336 of May 7, 1985

Vietnam Veterans Recognition Day, 1985

*By the President of the United States of America
A Proclamation*

As President and Commander in Chief, I have been pleased to witness a new and abiding recognition of those brave Americans who answered their country's call and served in the defense of freedom in the Republic of South Vietnam. That recognition, figured in the Memorial the Federal government accepted last November as a permanent sign of our determination to keep faith with those who served in that conflict, is both the result and the cause of a new unity among our people. Ten years after American personnel left Vietnam, we honor and remember the deeds of a group of veterans who served as selflessly and fought as courageously as any in our history.

Together we have come through a decade of disillusionment and doubt and reached a new consensus born of conviction—that, however long the wisdom and merits of U.S. policy in the Vietnam era may be debated, no one can withhold from those who wore our country's uniform in Southeast Asia the homage that is their due. Their cause was our cause, and it is the cause that animates all of our experience as a Nation. Americans have never believed that freedom was the sole prerogative of a few, a grant of governmental power, or a title of wealth or nobility. We have always believed that freedom was the birthright of all peoples, and our Vietnam-era veterans pledged their lives—and almost 60,000 lost them—in pursuit of that ideal, not for themselves, but for a suffering people half a world away.

On this day, we recall these sacrifices and say again to our Vietnam veterans: Your cause is our cause. We have not forgotten you. We will not forget you. To those who were killed in Vietnam we say: Your names are inscribed not only on the walls of black granite on the Mall in our Nation's Capital, but in the hearts of your fellow Americans. To those still listed as missing in action in Southeast Asia: We have raised the fullest possible accounting of your fate to one of highest national priority. To those who returned and resumed their daily lives in our Nation's cities, towns, and farms: We will continue to meet our commitment to compensation and health care programs for the more than 300,000 service-disabled Vietnam veterans and to programs to aid in Vietnam veterans' readjustment.

all of our Vietnam-era veterans, we rededicate ourselves on this day to our continuing praise and thanks for your courage and patriotism. We hope that our Nation will never forget the men and women who gave so much of themselves on behalf of the highest of human ideals.

Congress, by Senate Joint Resolution 128, has designated May 7, 1985, as "Vietnam Veterans Recognition Day" and authorized and requested the President to issue a proclamation commemorating this important observance. *Ante*, p. 66.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 7, 1985, as Vietnam Veterans Recognition Day. I urge all citizens, community leaders, interested organizations, and government officials to observe this day with programs, ceremonies, and activities that commemorate the service and sacrifices of the more than 6 million brave men and women who served in Vietnam.

WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5337 of May 10, 1985

National Correctional Officers Week, 1985

The President of the United States of America
Proclamation

Correctional officers occupy a vital role in our Nation's criminal justice system. They are called upon to ensure the custody, safety, and well-being of over 680,000 inmates in prisons and jails. Without these officers performing demanding and often dangerous assignments, it would be impossible to carry out the primary law enforcement mission of protecting the law-abiding citizens of this country.

At a time of rapidly growing inmate populations, the demands upon correctional officers are many. As the backbone of our correctional systems, they work hard to maintain the high professional standards necessary to ensure the safe and orderly running of our Nation's prisons and jails. The dedication exhibited by these officers in the daily performance of their duties deserves our greatest respect and appreciation.

In recognition of the contributions of correctional officers to our Nation, the Congress, by Senate Joint Resolution 64, has designated the week beginning May 5, 1985, as "National Correctional Officers Week" and authorized and requested the President to issue an appropriate proclamation in commemoration of the observance. *Ante*, p. 60.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 5, 1985, as National Correctional Officers Week. I call upon officials of State and local governments and the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5338 of May 10, 1985

National Asthma and Allergy Awareness Week, 1985

By the President of the United States of America

A Proclamation

Asthma and allergic diseases are among the Nation's most common and costly health problems. More than 35 million Americans suffer from these diseases—about one out of every six persons. The American public pays approximately \$4 billion per year in medical bills directly related to the treatment and diagnosis of asthma and allergic diseases, and another \$2 billion per year in indirect social costs. Absenteeism in the schools and in the work place resulting from these diseases has an enormous effect on the Nation.

Although modern medical treatments of asthma and allergic disorders have reduced the danger of death considerably, thousands of individuals still die each year from asthma—a disease that affects children more often than adults.

In order to improve the quality of life for those who suffer from asthma and allergic diseases, research scientists supported by the National Institutes of Health (NIH) are acquiring vital knowledge of these disorders. These scientists are optimistic that information gained through their research will provide means to develop new techniques for diagnosing, treating, and possibly preventing these debilitating diseases.

In addition, the NIH works closely with the Asthma and Allergy Foundation of America, as well as with other volunteer and professional health groups, to bring to the attention of health care professionals and the public current research results that can be translated into improved health care.

To focus public and professional attention on the seriousness of asthma and allergic diseases, the Congress, by Senate Joint Resolution 83, has designated the week of May 5, 1985, through May 11, 1985, as "National Asthma and Allergy Awareness Week" and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 5, 1985, through May 11, 1985, as National Asthma and Allergy Awareness Week. I call upon all government agencies, health organizations, communications media, and the people of the United States to observe this week with appropriate ceremonies and activities.

WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5339 of May 14, 1985

National Science Week, 1985

the President of the United States of America

Proclamation

We live in an age when rapidly changing science and technology are transforming our economy and our way of life. But this is nothing new for Americans, because we have always been inventors and explorers who looked to science as a way of achieving a better future.

Today the pace of scientific discovery has accelerated, and its effects are being felt worldwide. No nation or group of nations has a monopoly on the world's scientific talent, so no nation can take for granted that it will remain in the forefront of technological change just because it has been in the past. America must continually strive to undertake basic research in science as well as to develop new technological applications of scientific discoveries.

In order to do this, it is particularly important that we provide our young people with good scientific education. Even those who do not pursue careers in science should understand the scientific method and appreciate the contributions science and technology make to our way of life.

Americans are coming together to meet the challenges that the rapid advancement of scientific knowledge creates for us. As we have so many times before in our history, we see these challenges as opportunities. Our businesses, universities, and State and local governments are working in partnership with the Federal government to meet our needs through research and education. As these cooperative relationships develop, we can look forward with confidence to an era of scientific discovery and technological innovation unimagined only a few years ago.

In recognition of the importance of science, technology, and science education, and to draw public attention to the great works being accomplished in these fields, the Congress, by Senate Joint Resolution 59, has designated the period from May 12 through May 18, 1985, as "National Science Week" and has authorized and requested the President to issue a proclamation in observance of this event.

Ante, p. 74.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 12 through May 18, 1985, National Science Week. I urge the people of the United States to observe this week and participate in the many activities planned by universities, businesses, State and local governments, and the Federal government during this period.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5340 of May 17, 1985

Modification of Import Quotas on Certain Sugar Containing Articles

*By the President of the United States of America
A Proclamation*

Ante, p. 2007.

1. By Proclamation No. 5294 of January 28, 1985, I imposed, on an emergency basis, import quotas on certain sugar containing articles pursuant to Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624) ("Section 22"). These quotas were to remain in effect pending investigation by the United States International Trade Commission (the "Commission") and Presidential action on the report and recommendations of the Commission.

2. The Secretary of Agriculture has advised me that, due to unexpected circumstances, it is appropriate to modify those import quotas, pending the investigation, report, and recommendations of the Commission, to permit the entry of certain articles currently excluded by those quotas.

3. I agree that it is appropriate to modify those quotas immediately while awaiting the investigation, report, and recommendations of the Commission.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by Section 22 of the Agricultural Adjustment Act of 1933, as amended, and the Constitution and statutes of the United States of America, do hereby proclaim as follows:

A. Part 3 of the Appendix to the Tariff Schedules of the United States is amended by:

(1) inserting in the superior heading for items 958.16 through 958.18—

(a) "(Proclamation No. 5294, effective January 29, 1985)" after "on the effective date of this proclamation";

(b) "over 10 percent by dry weight of" immediately after "Articles containing"; and

(c) the words "(a) articles not principally of crystalline structure or not in dry amorphous form that are prepared for marketing to the retail consumers in the identical form and package in which imported, or (b)" immediately after "except";

(2) deleting—

(a) the column heading "Effective Period" above the superior heading for items 958.16 through 958.18;

(b) "Until 10/1/85" for each of items 958.16 through 958.18; and

(c) items 958.20, 958.25, and 958.30 together with their superior headings;

(3) inserting in item 958.18 the words " , except cake decorations and similar products to be used in the same condition as imported without any further processing other than the direct application to individual pastries or confec-

ons; finely ground or masticated coconut meat or juice thereof mixed with those sugars; and minced seafood preparations within the scope of item 183.05 containing 20 percent or less by dry weight of those sugars" immediately after "183.05"; and

h) effective on October 1, 1985—

(a) the superior heading to items 958.16 through 958.18 is modified by striking out the words "During the period beginning on the effective date of this proclamation (Proclamation No. 5294, effective January 29, 1985) through September 30, 1985, if" and inserting in their place "Whenever, in any 12-month period beginning October 1 in any year,"; and

(b) by striking out the quota quantities "1,000 short tons", "2,500 short tons", and "28,000 short tons" from items 958.16, 958.17, and 958.18, respectively, and inserting in their place "3,000 short tons", "7,000 short tons", and "84,000 short tons", respectively.

. This proclamation shall be effective as of 12:01 a.m. Eastern Daylight time on the second day following the date of signing.

. The quotas for items 958.16 through 958.18 shall terminate upon the filing of a notice in the **Federal Register** by the Secretary of Agriculture that the Department of Agriculture is no longer conducting a price support program for sugar cane and sugar beets.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of May, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Editorial note: For the text of the President's letter, dated May 17, 1985, to the Chairman of the U.S. International Trade Commission on import quotas, see the *Weekly Compilation of Presidential Documents* (vol. 21, p. 651).

Proclamation 5341 of May 17, 1985

Senior Center Week, 1985

by the President of the United States of America
Proclamation

Older Americans are as diverse and fascinating as America itself. The memories they carry with them constitute a living treasury of knowledge about the history of our times. But older Americans are far more than just a repository of knowledge about the past. They are living active lives today and contributing greatly to enriching the lives of their families, friends, and communities.

One of the objectives of the Older Americans Act is to help older Americans secure the full enjoyment of their freedom to participate in our Nation's life. Senior centers play a very important role in achieving this goal by tapping older people's experience, skills, and knowledge and providing a focus for their energies. These centers are helping to realize the theme of

42 USC 3001
note.

this year's Older Americans Month, which is now in progress: "Help Yourself to Independence."

The activities sponsored by senior centers are as various and interesting as the citizens who make use of them. Courses on art and literature, discussions of current events, and training sessions on how to use a computer are among the wide variety of events that occur in senior centers. The staffs of these centers are to be commended for their spirit of innovation and their dedication to enhancing the lives of older Americans. Once again, Americans are showing that anything is possible if we have the faith, the will, and the heart.

Ante, p. 73.

The Congress, by Senate Joint Resolution 60, has designated the week beginning May 12, 1985, through May 18, 1985, as "Senior Center Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 12, 1985, as Senior Center Week, and I call upon the people of the United States to honor older Americans and those local organizations that bring together activities and services for their benefit.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of May, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5342 of May 17, 1985

National Digestive Diseases Awareness Week, 1985

By the President of the United States of America

A Proclamation

Digestive diseases rank third in contributing to the total economic burden of illness in the United States. In terms of human discomfort and pain, mortality, and impact on the Nation's economy, they represent one of our most serious health problems. Digestive diseases are the leading cause of hospitalization and surgery in this country, and each day some 200,000 people miss work because of digestive problems. Twenty million Americans are treated for some type of chronic digestive disorder each year, and almost half of the United States population suffers an occasional digestive disorder, creating a yearly expenditure of approximately \$17 billion in direct health care costs and a total economic burden of \$50 billion.

Research into the causes, cures, prevention, and clinical treatment of digestive diseases and related nutrition problems is a national concern. The week of May 12, 1985, marks the second anniversary of the initiation of a national digestive diseases education program. Its goals are to involve the digestive diseases community, including the Coalition of Digestive Disease Organizations, the Federation of Digestive Disease Societies, the National Digestive Diseases Advisory Board, the National Digestive Diseases Education and Information Clearinghouse, and the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, in educating the public and health care practitioners to the seriousness of these diseases and the methods available to prevent, treat, and control them.

recognition of these important efforts to combat digestive diseases, the Congress, by Senate Joint Resolution 94, has designated the week beginning May 12, 1985, as "National Digestive Diseases Awareness Week" and has authorized and requested the President to issue a proclamation calling for observance of this week.

Ante, p. 71.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 12, 1985, as National Digestive Diseases Awareness Week. I urge the people of the United States and educational, philanthropic, scientific, medical, and health care organizations and professionals to participate in appropriate ceremonies to encourage further research into the causes and cures of all types of digestive disorders so as to alleviate the suffering of their victims.

WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of May, in the year of our Lord nineteen hundred and eighty-five, and the Independence of the United States of America the two hundred and fifth.

RONALD REAGAN

Proclamation 5343 of May 21, 1985

National Maritime Day, 1985

By the President of the United States of America
Proclamation

The restructuring of the Nation's maritime policy and regulations to create an environment in which our shipping industry can prosper is of great importance to the United States.

Since its birth as a Nation, the United States has relied on the oceans for commerce and as avenues for the protection of national interests. The United States is truly a maritime power by necessity.

Maritime power has two principal components. One component, the Navy and the Coast Guard, guards America's free use of the seas while the other component, the Merchant Marine, supports trade with nations and, in an emergency, becomes a part of our military establishment—integral with our military forces.

This role of our civilian mariners is not new. In World War II, virtually every serviceman who saw action against the enemy was transported overseas by ship. In Vietnam, more than 90 percent of the war material utilized in that conflict went by sea.

Our brave merchant seamen took their place alongside the fighting men of our armed services in combat against a determined enemy. In World War II, from December 1941 to August 1945, the United States lost 5,638 merchant seamen aboard 733 ships sunk by submarines. Through the first part of 1943, the casualty rate among U.S. merchant seamen was greater than in the armed services.

To maintain America's maritime power this Administration has advocated that a number of steps be taken by government, industry, and labor:

—Maintenance of a superior Navy, Marine Corps, and a highly capable Coast Guard. A superior Navy is required to protect merchant ships in time of emergency, in recognition of the critical nature of their military and economic cargoes.

—An economically independent United States flag merchant marine of not less than its current capabilities.

—An adequate shipyard mobilization base. The construction of the 600-ship Navy is helping to maintain the shipyard mobilization base.

—Continued emphasis on merchant vessel security agreements between the United States and its allies, such as the NATO ship-sharing agreement. The enactment of the Shipping Act of 1984 was a major step toward regaining a prominent position on the world's trade routes for our country. It diminished or streamlined outdated regulations that governed the ocean liner industry, and it has helped rekindle the spirit of American maritime enterprise. American-flag liner companies are now in the forefront of developments that are providing shippers with more efficient, extensive, and innovative intermodal services.

Our Merchant Marine is being bolstered by the replacement of obsolete ships with new, efficient, and highly competitive vessels. With the cooperation of seafaring labor, these new fleet additions are being operated with small crews that increase their productivity and competitiveness.

These healthy trends should be encouraged. We must work to continue to develop the strong American merchant marine to serve our Nation's peacetime trade and support our Armed Forces.

36 USC 145.

In recognition of the importance of the American merchant marine, the Congress, by joint resolution approved May 20, 1933, designated May 22 of each year as "National Maritime Day" and authorized and requested the President to issue annually a proclamation calling for its appropriate observance. This date was chosen to commemorate the day in 1819 when the SS SAVANNAH departed Savannah, Georgia, on the first transatlantic steamship voyage.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 22, 1985, as National Maritime Day, and I urge the people of the United States to observe this day by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5344 of May 21, 1985

National Osteoporosis Awareness Week, 1985

*By the President of the United States of America
A Proclamation*

Osteoporosis is a condition in which bone mass decreases, causing bones to be more susceptible to fracture. It may develop without warning. A fall, blow, or lifting action that would not strain the average person can easily cause one or more bones to break in a person with severe osteoporosis.

Some 15 to 20 million Americans are afflicted with osteoporosis. The risk of developing the disease increases with age and is higher in women than in

It is estimated that 25 percent of postmenopausal women in the United States will develop osteoporosis. Among people who live to be age 65, 32 percent of women and 17 percent of men will suffer a hip fracture, mostly due to osteoporosis. More than 50,000 older women and many older men die each year in the United States as a result of such complications. It is estimated that national health costs related to osteoporosis are at least \$8 billion annually.

As scientific knowledge about the disease continues to grow, there is reason for hope. New research findings and new approaches to prevention, diagnosis, and treatment are being developed. The Federal government and private voluntary organizations have created a strong and enduring partnership committed to research on osteoporosis. Working together, our objective must be to uncover the cause and cure for this major public health problem.

The Congress, by Senate Joint Resolution 61, has designated the week beginning May 20, 1985, through May 26, 1985, as "National Osteoporosis Awareness Week" and authorized and requested the President to issue a proclamation in observance of this event.

Ante, p. 75.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 20, 1985, through May 26, 1985, as National Osteoporosis Awareness Week. I urge the people of the United States and educational, philanthropic, scientific, medical, and health care organizations and professionals to observe this week with appropriate ceremonies and activities.

WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5345 of May 21, 1985

National Medical Transcriptionist Week, 1985

the President of the United States of America

Proclamation

Record-keeping is a vital function in our society, and one of the most important records for every American is the medical record. That record, including reports prepared and edited by a medical transcriptionist from physician dictation, is the permanent history of a patient's medical care.

A century ago, physicians knew many of their patients from birth, knew all their ailments, and provided all their medical care. Today, with medical specialization and greater mobility among people, many skilled physicians only treat the average American during a lifetime. Using transcribed medical reports, each physician can easily and quickly review a patient's medical history even if the physician has never seen that patient before. Because of the work done by trained medical transcriptionists, patients can be assured that the history of their medical care is portrayed accurately and legibly. Medical transcriptionists have therefore become a vital link between the physician and the patient.

It is appropriate for our Nation to recognize the contributions of medical transcriptionists. We should encourage hospitals, allied health education programs, and community colleges to provide appropriate courses of instruction recognizing the high standards that must be met by medical transcriptionists and the vital function they perform.

98 Stat. 3174.

In recognition of the need for medical transcriptionists in today's society, the Congress, by Public Law 98-609, has designated the week beginning May 20, 1985, as "National Medical Transcriptionist Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week of May 20 through May 26, 1985, as National Medical Transcriptionist Week, and I urge all Americans to participate in appropriate ceremonies in observance of this event.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5346 of May 23, 1985

National Farm Safety Week, 1985

*By the President of the United States of America
A Proclamation*

From the beginning of our Nation's history, agriculture has been one of the major elements of the American success story. Since this country was founded, when over 90 percent of its labor force was on the farm, it has excelled at growing food and other agricultural products. This success was achieved long before we became a leader in industry, technology, science, and commerce.

Today, technological advances have made possible productivity undreamed of in the days when Cyrus McCormack designed and built the first horse-drawn reaper. The United States now supplies food to millions of people around the world, and our productive capabilities grow still greater every year.

But the farmer's life is still difficult and dangerous. While the new technology that makes such bounty possible has brought advances in safety, it also carries its own risks, and requires knowledge and care in its use. Incidents of accidental death, injury, and job-related illnesses are still tragically numerous on the farms, in the homes, and on the roads of rural America. But with increased education about the need for farm safety, and with ongoing improvements in product design, there is hope that we can make real progress in protecting America's farmers and their families from accidents and injuries.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of September 15 through September 21, 1985, as National Farm Safety Week. I urge all those Americans engaged in agriculture or its related services, and especially those training inexperienced or young workers, to establish and follow safety procedures

and instill dedication and commitment to safety and health care in all those who can be influenced by their example.

WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of May, in the year of our Lord nineteen hundred and eighty-five, and the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5347 of May 28, 1985

Minority Enterprise Development Week, 1985

*For the President of the United States of America
Proclamation*

The greatest strength of our economic system is the opportunity it affords every American to prosper according to his or her own talents and efforts. No other nation in history has so boldly set individual opportunity as a leading goal or come so close to achieving it.

This emphasis on opportunity works to the benefit of all Americans, but it especially helps Americans who are members of minority groups. In the past, these minority entrepreneurs were subject to laws and regulations that prevented them from competing freely in the marketplace. But those laws contradicted the spirit of freedom that animates our democracy, and today they are only an historical memory, a reminder of the need to be forever vigilant in defense of individual freedom.

Minority enterprises today form a significant proportion of all the Nation's businesses, and their number is continuing to grow. The talents, insights, and hard work of minority Americans are adding to our Nation's technological prowess, providing us with new solutions for important problems and creating jobs in many industries, some of which did not even exist only a few years ago. This is the genius of economic freedom, and we should do everything in our power to preserve this freedom and expand it so that opportunity for all will continue to be the defining characteristic of our society.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of October 6 through October 12, 1985, as Minority Enterprise Development Week, and I call upon all Americans to join together with minority business enterprises across the country in appropriate observances.

WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of May, in the year of our Lord nineteen hundred and eighty-five, and the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5348 of May 29, 1985**Very Special Arts U.S.A. Month, 1985**

By the President of the United States of America

A Proclamation

Art is one of the most important forms of human expression. Whether as creators or as spectators, Americans participate in the arts in some form almost every day, and their lives are made richer by this activity. Art also brings us into contact with the rich aesthetic tradition of our civilization, while the art of other cultures can be one of the best introductions available for those who want to learn more about them.

The importance of art makes it essential that all Americans be able to make use of this unique resource. The National Committee, Arts with the Handicapped, is an educational affiliate of the John F. Kennedy Center for the Performing Arts. During the past eleven years, it has served as the coordinating agency for arts programs for disabled children, youth, and adults. The Very Special Arts Program that it sponsors provides ongoing arts programs for many Americans with disabilities.

The Very Special Arts Program makes it possible for disabled Americans to participate in the arts and enrich their lives in the same way as all other Americans. Through it, they can gain the opportunity for self-expression within the context of our rich cultural tradition. This program deserves the support and assistance of all Americans.

In recognition of the importance of arts education in the lives of everyone, including those with disabilities, and in celebration of Very Special Arts Programs throughout the country, the Congress, by Senate Joint Resolution 103, has designated the month of May 1985 as "Very Special Arts U.S.A. Month" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of May 1985 as Very Special Arts U.S.A. Month. I encourage the people of the United States to observe this month with appropriate ceremonies, programs, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5349 of June 4, 1985**Youth Suicide Prevention Month, 1985**

By the President of the United States of America

A Proclamation

During the past 20 years, the suicide rate has tripled among young people aged 15-24. In fact, suicide has become the third leading cause of death in this age group. Last year alone, over 5,000 young Americans took their own lives, and many more attempted to do so.

When a young person commits suicide, it is a personal tragedy as well as a source of deep anguish for family, friends, and neighbors. But it is also a tragedy for society, which must cope not only with the loss of human potential but also with the result of the death of any individual, but also with its responsibility to identify the causes of suicide and develop strategies to reduce its incidence. Although the issues involved in each case are complex and unique, we can draw encouragement from the fact that suicide is no longer a silent subject but a recognized public health problem that can and must be addressed.

Because the root causes of suicide involve so many different psychological, medical, social, and spiritual dimensions, successful preventive action requires the combined efforts of individuals, families, communities, organizations, and governments at all levels. Young people and families who have a member who may be contemplating suicide need to know that there are dedicated places to turn for advice and assistance. People who come into contact with youth—educators, counselors, coaches, ministers, health care professionals—can play a key role in helping a despondent young person by identifying the existence of a problem or contributing factors like drug abuse or family break-up. Government can assist through research and policies which strengthen the family unit and foster a sense of individual self-worth. In short, all of us have the opportunity and responsibility to help deal with this growing problem.

In recognition of the increase in suicide among America's youth and its consequences for our society, the Congress, by Senate Joint Resolution 53, designated the month of June 1985 as "Youth Suicide Prevention Month" and authorized and requested the President to issue a proclamation observance of this month.

Ante, p. 70.

AND, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of June 1985 as Youth Suicide Prevention Month. I call upon the Governors of the several States, the chief executives of local governments, all health care providers, educators, the media, public and private organizations, and the people of the United States to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of June, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5350 of June 13, 1985

Father's Day, 1985

The President of the United States of America
Proclamation

By tradition, the third Sunday in June is celebrated as Father's Day, a day on which we honor our Nation's fathers.

In honoring fathers, we honor families. Families are the bedrock of our Nation's strength, and fathers play an indispensable role in forming vital, stable families. They serve as models and guides for their sons and daughters and help to pass on to the next generation the heritage of our civiliza-

Being a good father is an art that cannot be taught in schools. The main ingredient for success is simply a caring attitude. Fathers who love their families can never completely fail, and children will always remember the influence of a father who tries to do his best. For many children, the memory of a loving father will be the most important influence in their lives.

The love a father feels for his children can take many forms. The only constant is that he shares their lives in a special and irreplaceable way. He feels their hurts as well as their joys, their pains as well as their triumphs. In this way, he plays an indispensable role in their moral development, and they return to him a love and satisfaction that cannot be found anywhere else.

On Father's Day, we pay tribute to all in our society who have taken on the responsibilities and joys of fatherhood. Whether our fathers are near at hand or a continent away, with their families or watching from the light of eternity, we take this day to remember them, to say our thanks for the years they have given us, and to ask that they receive God's blessings.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with the joint resolution of the Congress (36 U.S.C. 142a), do hereby proclaim Sunday, June 16, 1985, as Father's Day. I invite the States and communities and the people of the United States to observe that day with appropriate ceremonies as a mark of gratitude and abiding affection for their fathers. I direct government officials to display the flag of the United States on all Federal government buildings, and I urge all Americans to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of June, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5351 of June 14, 1985

Family Reunion Month, 1985

*By the President of the United States of America
A Proclamation*

Family reunions are occasions that renew the feelings of love, pride, and support that nurture our lives. There is no more joyous and poignant family reunion than the return to the family of a child who has run away from home.

The number of young people between the ages of 10 and 17 who ran away from home last year is estimated at more than one million. The heartache of such a breakdown in family relationships is incalculable. But for many thousands of families, the joy of reunion was realized with the return of a son or daughter and a resolution of the conditions that precipitated the flight of the child.

In all likelihood, the return was aided by one of the professionals and volunteers who staff runaway shelters throughout the country. Last year alone, some 200,000 young Americans and their families received counseling aimed at resolving family conflicts and pressures. Almost half the young people who sought help were returned safely to their homes.

uch remains to be done, and all of us can play a role. Volunteers are needed to help staff crisis intervention programs. Parents themselves must recognize the importance of keeping open lines of communications with their children and strive to strengthen family relationships.

families are the cornerstone of America. All of America's families should be encouraged to continue strengthening their ties through gatherings and activities such as family reunions that involve as many members as possible.

he Congress, by House Joint Resolution 64, has designated the period between Mother's Day, May 12, and Father's Day, June 16, 1985, as "Family Reunion Month" and authorized and requested the President to issue a proclamation in observance of this period.

Ante, p. 92.

OW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the period between May 12 and June 16, 1985, as Family Reunion Month. I call upon all Americans to celebrate this period with appropriate ceremonies and activities and recognition of the resources available to help strengthen families.

WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of June, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5352 of June 14, 1985

Baltic Freedom Day, 1985

by the President of the United States of America
Proclamation

his year marks the 45th anniversary of the United States non-recognition policy by which our government refuses to recognize the forcible Soviet occupation of Estonia, Latvia, and Lithuania. It has been 45 years since the dark year of 1940 when invading Soviet armies, in collusion with the Nazi regime, overran these three independent Baltic Republics.

he atrocious character of the Soviet oppression was shockingly illustrated by the imprisonment, deportation, and murder of close to 100,000 Balts during a four-day reign of terror June 14–17, 1941. The suffering of this fatal period was made even worse when Nazi forces struck back through these three states at the beginning of the Nazi-Soviet war and instituted a cruel administration under control of the nefarious Gestapo. Due to Soviet and Nazi tyranny, by the end of World War II, the Baltic nations had lost twenty percent of their total population.

day, suppression and persecution are the daily burdens of the Estonian, Latvian, and Lithuanian people. Soviet policies are specifically targeted toward the very ethnic life and historical heritage of the Baltic nations. Russification takes place under many guises: forced relocation, expanded colonization by Russian immigrants, and heavy pressure against the indigenous religious, cultural, and social traditions.

Despite this crushing system, the Baltic peoples courageously continue to resist amalgamation by pressing for their national, political, and religious rights. Peaceful expression of demands through the underground press, petitions to government officials, demonstrations, the activities of the Catholic

Church and other religious denominations, Helsinki monitoring groups, and committees to defend the rights of religious believers command the admiration of everyone who loves and honors freedom.

Significantly, the defense of national and personal rights is led not by those who grew up during the years of independence, but by a new generation born and raised under the Soviet system. The message of these heroes, both young and old, is: "You, our free brothers and sisters, are our voice to the free world. You must not cease to inform the world of what is being inflicted upon us here behind the Iron Curtain, for it is from your efforts that we get our strength to survive."

All the people of the United States of America share the aspirations of the Baltic nations for national independence. The United States upholds their rights to determine their own national destiny, free of foreign interference. For 45 years, the United States has not recognized the forcible incorporation of the Baltic States into the Soviet Union, and it will not do so in the future.

Ante, p. 87.

The Congress of the United States, by Senate Joint Resolution 66, has authorized and requested the President to issue a proclamation for the observance of June 14, 1985, as "Baltic Freedom Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim June 14, 1985, as Baltic Freedom Day. I call upon the people of the United States to observe this day with appropriate ceremonies and to reaffirm their commitment to the principles of liberty and freedom for all oppressed people.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of June, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5353 of June 14, 1985

Flag Day and National Flag Week, 1985

*By the President of the United States of America
A Proclamation*

The history of the flag of the United States presents in capsule form the history of our Nation. Although there was a great variety of colorful and interesting flags during the Colonial period, it was not until June 14, 1777, two years after the Battle of Bunker Hill, that the delegates at the Continental Congress adopted the familiar design we know today. They voted "that the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field representing a new constellation."

Since 1777, the flag of our Nation has been redesigned periodically to reflect the admission of new States. It has flown over our public buildings, our town squares, and many private homes. It has been carried proudly into battle, and our national anthem gives a dramatic account of the hope and inspiration it has given to many Americans. Today, it is the leading symbol of the Nation we love and an emblem recognized around the world as a sign of our unity and devotion to freedom.

commemorate the adoption of our flag, the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue an annual proclamation calling for its observance and the display of the flag of the United States on government buildings. The Congress also requested the President, by a joint resolution of June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and calling upon all citizens of the United States to display the flag during that week. 36 USC 157.
36 USC 157a.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim June 14, 1985, as Flag Day and the week beginning June 9, 1985, as National Flag Week, and I direct the appropriate officials of the government to display the flag on all government buildings during that week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

I also urge the American people to celebrate those days from Flag Day through Independence Day, set aside by Congress as a time to honor America (89 Stat. 211), by having public gatherings and activities at which they honor their country in an appropriate manner. 36 USC 159b.

WITNESS WHEREOF, I have hereunto set my hand this 14th day of June, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5354 of June 21, 1985

Increase in the Rates of Duty for Certain Pasta Articles From the European Economic Community

By the President of the United States of America
Proclamation

On June 20, 1985, I determined pursuant to section 301(a) of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2411(a)), that the preferential tariff concessions granted by the European Economic Community (EEC) on imports of pasta and oranges from certain Mediterranean countries deny benefits to the United States arising under the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pts. 5 and 6)), are unreasonable and discriminatory, and constitute a burden or restriction on U.S. commerce. I have further determined, pursuant to section 301(b) of the Act (19 U.S.C. 2411(b)), that the appropriate course of action to respond to such practices is to withdraw tariff concessions with respect to imports from the EEC.

Section 301(a) of the Act authorizes the President to take all appropriate and feasible action to obtain the elimination of an act, policy, or practice of a foreign government or instrumentality that 1) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement; or 2) is unjustifiable, unreasonable, or discriminatory and burdens or restricts U.S. commerce. Section 301(b) of the Act also authorizes the President to suspend, withdraw, or prevent the application of benefits of trade agreement concessions with respect to, and to impose duties or other import restrictions on the products of, such foreign government or instrumentality. Pursuant to section 301(a) of the Act, such actions can be 19 USC 2411.

taken on a nondiscriminatory basis or solely against the foreign government or instrumentality involved.

3. I have decided, pursuant to section 301(a)(2) and (b) of the Act, to increase the U.S. import duties on the pasta articles provided for in items 182.35 and 182.36 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) which are the product of any member country of the EEC.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to sections 301(a)(2) and (b) and section 604 of the Trade Act of 1974, do proclaim that:

1. Subpart B of part 2 of the Appendix to the TSUS is modified as follows:

(a) The heading is amended by adding after 1962 "or Section 301 of the Trade Act of 1974".

(b) The following new items and superior heading, set forth in columnar form, are inserted in the columns designated "Item", "Articles", and "Rates of Duty 1", respectively, following TSUS item 945.69:

"Macaroni, noodles, vermicelli, and similar alimentary pastes (provided for in items 182.35 and 182.36, part 15B, schedule 1) if the product of any member country of the EEC:		
945.80	Not containing egg or egg products	40% ad val.
945.82	Containing egg or egg products	25% ad val."

2. If, in the opinion of the United States Trade Representative, a mutually acceptable resolution of this issue has been reached with the EEC, he shall so advise the President, together with a recommendation concerning the modification or termination of this action. A decision by the President to modify or terminate this action shall be published in the **Federal Register**.

3. This proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date on which this proclamation is signed.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of June, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5355 of June 26, 1985

Helen Keller Deaf-Blind Awareness Week, 1985

By the President of the United States of America
A Proclamation

The sights and sounds of the world around us are among the gifts we cherish most. But for approximately 40,000 Americans who are both deaf and blind, seeing and hearing exist only as dreams. Through an accident of birth or illness, these men and women may never gaze at the splendor of a spring garden or listen to the voices of their loved ones. Cut off from what most of us take for granted, people who can neither see nor hear live in a kind of solitary confinement.

19 USC 2411,
2483.

month marks the 102nd anniversary of the birth of an American who
d herself in such a prison—and broke out of it. At the age of 19
ths, Helen Keller lost her sight, hearing, and speech, and her formative
s were spent in utter isolation. But she had two powerful forces on her
: an absolute determination to overcome her handicaps, and the devo-
of one person, Annie Sullivan, who recognized the child's innate abili-
and helped her construct a bridge to the world at large.

ay, the scientific and medical communities are showing great determi-
on to build more bridges for deaf-and-blind individuals. Research on
orders that cause deaf-blindness is being conducted and supported on
ral fronts: by the Federal government through the National Institute of
rological and Communicative Disorders and Stroke, and the National
Institute; by universities and other institutions of higher learning; and
oluntary health agencies and numerous groups in the private sector.

erica can ill afford to lose the contributions of her deaf-and-blind citi-
. Helen Keller became renowned for her writings and her civic spirit at
ne when the study of deaf-blindness was in its infancy. Scientific
ress will enable the deaf-and-blind to utilize their talents and ideas,
expand their educational and employment opportunities, thereby in-
sing their contributions to our society.

ocus public attention on deaf-blindness and the hope through research
omeday averting this tragedy, the Congress, by Senate Joint Resolution
has designated the week of June 23 through 29, 1985, as "Helen Keller
f-Blind Awareness Week" and authorized and requested the President
sue a proclamation to observe this week.

Ante, p. 99.

W, THEREFORE, I, RONALD REAGAN, President of the United States
merica, do hereby proclaim the week of June 23 through June 29, 1985,
Helen Keller Deaf-Blind Awareness Week. I call upon all government
cies, health organizations, communications media, and the people of
United States to observe this week with appropriate ceremonies and ac-
ies.

WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth
of June, in the year of our Lord nineteen hundred and eighty-five, and
e Independence of the United States of America the two hundred and
1.

RONALD REAGAN

Proclamation 5356 of June 27, 1985

National P.O.W./M.I.A. Recognition Day, 1985

The President of the United States of America
Proclamation

the Revolutionary War, America's men and women have made un-
sh sacrifices to defend freedom. In each of America's wars, America's
oners of war have faced extraordinary hardships and overcome them
ugh extraordinary sacrifices. The bravery, suffering, and profound devo-
to duty of our P.O.W.s and M.I.A.s have earned them a preeminent
e in the hearts of all Americans. Their heroism is a beacon to follow
ver. Their spirit of hope and commitment to the defense of freedom re-
s the basic tenets of our Nation.

This country deeply appreciates the pain and suffering endured by families whose fathers, sons, husbands, or brothers are today still missing or unaccounted for. These families are an example of the strength and patriotism of all Americans. We as a people are united in supporting efforts to return the captive, recover the missing, resolve the accounting, and relieve the suffering of the families who wait. We accept our continuing obligation to these missing servicemen. Until the P.O.W./M.I.A. issue is resolved, it will continue to be a matter of the highest national priority. As a symbol of this national commitment, the P.O.W./M.I.A. Flag will fly over the White House, the Departments of State and Defense, the Veterans' Administration, and the Vietnam Veterans Memorial on July 19, 1985, and over the Vietnam Veterans Memorial on Memorial Day and Veterans Day.

Ante, p. 101.

By Senate Joint Resolution 87, the Congress has designated July 19, 1985, as "National P.O.W./M.I.A. Recognition Day." On this day, we recognize the special debt all Americans owe to our fellow citizens who gave up their freedom in the service of our country; we owe no less to their families.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Friday, July 19, 1985, as National P.O.W./M.I.A. Recognition Day. I call on all Americans to join in honoring all former American prisoners of war, those still missing, and their families who have endured and still suffer extraordinary sacrifices on behalf of this country. I also call upon State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of June, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5357 of July 19, 1985

Captive Nations Week, 1985

By the President of the United States of America

A Proclamation

The unique and historic significance of our Nation has always derived from our role as a model of political freedom, social justice, and personal opportunity. While not a perfect Nation, we have offered to the world a vision of liberty. It is a vision that has motivated all our national endeavors and serves us yet as an anchor of conscience. The humanity and justice of our collective political life and the freedom and limitless opportunity in our personal lives are an inspiration for the peoples of the world, both for those who are free to aspire and for those who are not.

The uniqueness of our vision of liberty comes not only from its historical development, but also from the conviction that the benefits of liberty and justice rightfully belong to all humanity. Hostility to this fundamental principle still haunts the world, but our conviction that political freedom is the just inheritance of all nations and all people is firm. Our dedication to this principle has not been weakened by the sad history of conquest, captivity, and oppression to which so many of the world's nations have been subjected.

We are all aware of those many nations that are the victims of totalitarian ideologies, ruthless regimes, and occupying armies. These are the nations

and captive by forces hostile to freedom, independence, and national self-determination. Their captivity and struggle against repression require a special courage and sacrifice. Those nations of Eastern Europe that have known conquest and captivity for decades; those struggling to save themselves from communist expansionism in Latin America; and the people of Afghanistan and Kampuchea struggling against invasion and military occupation by their neighbors: all require our special support. For those who seek freedom, security, and peace, we are the custodians of their dream.

Our Nation will continue to speak out for the freedom of those denied the benefits of liberty. We will continue to call for the speedy release of those who are unjustly persecuted and falsely imprisoned. So long as brave men and women suffer persecution because of their national origin, religious beliefs, and desire for liberty, the United States of America will demand that the signatories of the United Nations Charter and the Helsinki Accords live up to their obligations and respect the principles and spirit of those international agreements and understandings.

Each year we renew our resolve to support the struggle for freedom throughout the world by observing Captive Nations Week. It is a week in which all Americans are asked to remember that the liberties and freedoms which they enjoy as inherent rights are forbidden to many nations. It is a time to affirm publicly our conviction that, as long as the struggle from within these nations continues, and as long as we remain firm in our support, the light of freedom will not be extinguished. Together with the people of these captive nations, we fight against military occupation, political oppression, communist expansion, and totalitarian brutality.

The Congress, by joint resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to designate the third week in July "Captive Nations Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning July 21, 1985, as Captive Nations Week. I invite the people of the United States to observe this week with appropriate ceremonies and activities to reaffirm their dedication to the international principles of justice and freedom, which unite us and inspire others.

WITNESS WHEREOF, I have hereunto set my hand this 19th day of July, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5358 of July 20, 1985

Space Exploration Day, 1985

by the President of the United States of America
Proclamation

Forteen years ago, on July 20, 1969, American Astronauts sent a message to Earth: "The Eagle has landed." In a dramatic and compelling moment in history, the first humans had reached solid ground beyond our own planet.

To understand Earth systems we must understand our solar system and the universe beyond. Remotely controlled satellites have been sent on missions to Mars, Saturn, and Jupiter. If all goes well, the outer planets Uranus and

Neptune will be studied as the Voyager spacecraft passes by in 1986 and 1989, respectively. Within the next year or so the first comet rendezvous are planned (Giacobini-Zinner and Halley), the powerful Hubble Space Telescope will be placed in orbit, and the Galileo Mission to Jupiter will be launched. Scientists around the world eagerly anticipate the results.

The space shuttle continues to demonstrate and expand its capabilities with each successive flight. Within the past year, satellites have been launched from the shuttle's bay, repaired in space, and retrieved and returned to Earth for repair. We have conducted missions in which a European-designed and -built scientific laboratory—Spacelab—has flown in the shuttle bay's gravity-free environment during which data in a wide range of disciplines have been acquired, materials tested, and chemical reactions monitored.

Under NASA's direction, the next logical step in America's space program—the space station—is being planned, with development scheduled for the latter part of this decade. When it becomes operational in the early to mid-1990s, the space station will be a catalyst for expanding the peaceful uses of space for scientific, industrial, and commercial gain. The station will serve as a laboratory for materials processing and industrial and scientific research; as a permanent observatory for astronomy and Earth observations; as a storage and supply depot; and as a base from which to service other satellites or satellite clusters that will form the world's first space-based industrial park. Japan, Europe, and Canada have joined with us in partnerships that are designed to serve all our long-term interests.

Space exploration is little more than a quarter century old. In that brief period, more has been learned about the cosmos and our relation to it than in all the preceding centuries combined. The ever-increasing knowledge gained from peaceful space exploration, and the uses to which that knowledge is put, potentially benefit all those aboard Spaceship Earth. The spirit of July 20, 1969, lives on.

Ante, p. 165.

In recognition of the achievements and promise of our space exploration program, the Congress, by Senate Joint Resolution 154, has designated July 20, 1985, as "Space Exploration Day" and authorized and requested the President to issue a proclamation to commemorate this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim July 20, 1985, as Space Exploration Day. I call upon the people of the United States to observe the occasion with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of July, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5359 of July 30, 1985

National Disability in Entertainment Week, 1985

By the President of the United States of America
A Proclamation

The entertainment industry in America today has an enormous ability to inform and educate at the same time that it entertains. This fact is especial-

known to the thirty-six million Americans with disabilities, because we are aware of the concerted efforts being made by the entertainment industry to dispel the unfair stereotypes that still hinder the progress of disabled people in our society.

One of the most important messages the entertainment industry is delivering to the public is that people with disabilities can live full and rewarding lives. They ask only to be given the same opportunities to compete and succeed as everyone else. To provide them with this opportunity is not only a moral imperative but also makes available to society a rich pool of talents and ambitions that would otherwise be lost.

The entertainment industry deserves to be commended for its role in making these worthy developments possible. Because of the industry's concerted efforts, Americans with disabilities can look forward to brighter futures filled with the wide variety of opportunities they deserve.

Congress, by Senate Joint Resolution 86, has designated the period from July 25, 1985, through July 31, 1985, as "National Disability in Entertainment Week" and has authorized and requested the President to issue a proclamation in honor of this observance. *Ante*, p. 175.

THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of July 25, 1985, through July 31, 1985, as National Disability in Entertainment Week, and I call upon all Americans to observe this week with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of July, 1985, the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5360 of August 2, 1985

Freedom of the Press Day, 1985

President of the United States of America

Proclamation

Freedom of the press is one of our most important freedoms and also one of our oldest. In the form of the First Amendment it is permanently embedded in our Constitution, but its roots go back to colonial America and indeed to traditional laws and customs of England.

One hundred and fifty years ago, on August 4, 1735, one of the landmark events in American legal history occurred when a court exonerated the newspaper publisher John Peter Zenger, who had been accused of sedition because of his zeal in uncovering official corruption. Since then, his case has become a symbol of our Nation's continuing commitment to maintain the freedom of the press.

Our tradition of a free press as a vital part of our democracy is as strong as ever. The news media are now using modern techniques to deliver to our citizens information not only on a daily basis but instantaneously whenever important events occur. This flow of information helps make possible an informed electorate and so contributes to our national system of self-government. Freedom of the Press Day is an appropriate time to remember the

contributions a free press has made and is continuing to make to the development of our Nation.

Ante, p. 179.

In recognition, the Congress, by House Joint Resolution 164, has designated August 4, 1985, as "Freedom of the Press Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 4, 1985, as Freedom of the Press Day. I call upon the people of the United States to observe this occasion with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of August, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5361 of August 13, 1985

Polish American Heritage Month, 1985

*By the President of the United States of America
A Proclamation*

The history of Polish Americans is an inspiring part of our Nation's heritage. The first massive wave of Polish immigrants came to America to flee the political and economic oppression thrust upon their homeland by the 19th century imperial powers of Eastern and Central Europe. While they came with few material possessions, they brought something much more important—a deep faith in God and a determination to succeed in this land of opportunity. And succeed they did. They established churches, schools, and fraternal benefit societies. They worked hard in the mines, steel mills, and stockyards. They understood the importance of education, so that today, the children and grandchildren of the first immigrants can be found in America's leading businesses and educational institutions.

Americans of Polish descent have made, and continue to make, enormous contributions to the culture, economy, and democratic political system of the United States. The names of Tadeusz Kosciuszko and Kazimierz Pulaski, heroes of the American Revolution, have left a lasting imprint upon our history. Highways, bridges, and towns dedicated to the preservation of their memory dot our countryside. In the future, other public facilities and institutions will be named for today's prominent Polish Americans, such as those serving our Nation in the Executive branch, in Congress, the armed services, and in state capitols and city halls from coast to coast.

The dedication of Polish Americans from all walks of life to the ideals of freedom and independence, which Kosciuszko and Pulaski fought for in America and in Poland, and which their worthy successors within the Solidarity movement are struggling for in Poland today, serves as a model for all Americans. That struggle remains alive today and two Polish leaders of international stature—Pope John Paul II and Lech Walesa—provide inspiring examples of moral leadership for us all.

Ante, p. 177.

The Congress, by House Joint Resolution 106, has designated August 1985 as "Polish American Heritage Month" and authorized and requested the President to issue a proclamation in observance of this month.

V, THEREFORE, I, RONALD REAGAN, President of the United States America, do hereby proclaim August 1985 as Polish American Heritage Month. I urge all Americans to join their fellow citizens of Polish descent in observance of this month.

WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of August, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5362 of August 13, 1985

National Neighborhood Crime Watch Day, 1985

The President of the United States of America

Proclamation

Justice for all must ensure that its citizens are free from crime in their homes and on the streets. Yet crime continues to be a substantial problem for American society. Twenty-three million households have been touched by crime in 1984 and felt, in varying degrees, the pain, economic loss, sense of violation, and frustration that accompany crime victimization.

More households were victims of crime in 1984 than in any of the previous years, due in part to greater public awareness and understanding of crime. This Administration is committed to increasing that awareness and understanding, thereby assisting in our Nation's effort to combat crime.

We recognize the effectiveness and the growth of local crime watch organizations throughout the country and the major role they have played in turning the tide against crime. By working together and in cooperation with local law enforcement agencies, citizens have always been one of our most effective deterrents against crime. Such citizen action reaffirms those values of community, respect for the law, and individual responsibility that are so much a part of our national heritage.

It is important that all of the citizens of this Nation are aware of the significance of community crime prevention programs and the valuable impact that their participation can have on reducing crime in their neighborhoods. The "National Night Out" campaign will be conducted on August 13, 1985 to draw attention to the importance of community crime prevention programs. Americans will be urged to spend the hour between 8-9 p.m. on that evening on their lawns, porches, and steps in front of their homes to signify that neighbors looking out for one another is the most effective form of crime prevention.

Participation in this nationwide event also will demonstrate the value and effectiveness of police and community working together in a partnership on crime prevention. It will generate support for, and participation in, local crime watch programs; strengthen neighborhood spirit in the anticrime effort; and send a message to criminals that neighborhoods across America are organized and watching. This is a unique effort to remind the American people of the crucial role they can play in making their streets and neigh-

borhoods safer. Strong, safe communities don't just happen. They are built by people who care and volunteer their time and energy to make the community a good place to live.

Ante, p. 189.

The Congress, by Senate Joint Resolution 168, has designated August 13, 1985, as "National Neighborhood Crime Watch Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 13, 1985, as National Neighborhood Crime Watch Day. I call upon the people of the United States to spend the period from 8 to 9 o'clock p.m. that day with their neighbors in front of their homes to demonstrate the importance and effectiveness of community participation in crime prevention efforts.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of August, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5363 of August 15, 1985

Modification of the Effective Date for Increased Rates of Duty for Certain Pasta Articles From the European Economic Community

By the President of the United States of America
A Proclamation

1. On June 20, 1985, I determined pursuant to section 301(a) of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2411(a)), that the preferential tariffs granted by the European Economic Community (EEC) on imports of lemons and oranges from certain Mediterranean countries deny benefits to the United States arising under the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pts. 5 and 6)), are unreasonable and discriminatory, and constitute a burden or restriction on U.S. commerce. I further determined, pursuant to section 301 (a) and (b) of the Act, that the appropriate course of action in response to such practices is to withdraw concessions with respect to certain imports from the EEC and to increase the U.S. import duties on the pasta articles provided for in items 182.35 and 182.36 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) that are the product of any member country of the EEC. Accordingly, in Proclamation 5354 of June 21, 1985 (50 F.R. 26143), the increased duties with respect to such pasta articles from the EEC were proclaimed to be effective on or after the date that was 15 days after the date on which that proclamation was signed.

Ante, p. 2065.

2. In light of discussions currently being conducted between the United States and the EEC, I have decided that it is appropriate to delay the effective date of the increased rates of duty with respect to such pasta articles in order to encourage a mutually acceptable solution to the situation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and

PROCLAMATION 5364—AUG. 23, 1985

99 STAT. 2075

statutes of the United States, including but not limited to sections 301 and (b) and section 604 of the Trade Act of 1974, do proclaim that:

19 USC 2411,
2483.

Proclamation 5354 of June 21, 1985, is superseded to the extent inconsistent with this proclamation.

Ante, p. 2065.

The increased duties imposed by Proclamation 5354 are suspended with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 6, 1985, and before November 1, 1985. Any articles entered, or withdrawn from warehouse for consumption, on or after the effective date of Proclamation 5354 and before November 1, 1985, shall be subject to the duties and the entries thereof liquidated or reliquidated as if the increased duties imposed by that proclamation were not in effect.

The United States Trade Representative is hereby authorized to suspend, modify, or terminate the increase in U.S. import duties on pasta articles, which was imposed by Proclamation 5354, upon the publication in the *Federal Register* of his determination that such suspension, modification, or termination is justified by actions taken by the EEC toward a mutually acceptable resolution of this dispute.

This proclamation shall be effective on and after the date of its signing.

WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of August, in the year of our Lord nineteen hundred and eighty-five, and of the independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5364 of August 23, 1985

Women's Equality Day, 1985

*The President of the United States of America
Proclamation*

Women's Equality Day is celebrated each year on August 26 because it was on that day in 1920 that the 19th Amendment, guaranteeing women the right to vote, became part of our Constitution. This was an accomplishment of great practical and symbolic importance, since it recognized women as full participants in our democratic system of self-government.

The adoption of the 19th Amendment was a tremendous victory for the principles of democracy, but its consequences have not been confined to our political system. In every field of endeavor, women have made notable contributions to our national life. Their achievements have shown that American women are a tremendous human resource for our Nation—an inexhaustible reserve of talent, imagination, and ambition.

Today, women have an unparalleled degree of opportunity to decide what they want to achieve in their lives. Whether they devote themselves to raising families or to pursuing careers, their contributions to America are leaving an indelible mark on our Nation's life. In the years ahead, their accomplishments will continue to shape profoundly our Nation's destiny.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 26, 1985, as Women's Equality Day. I call upon all Americans to mark this occasion with appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of August, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5365 of August 30, 1985

To Implement Reductions in U.S. Rates of Duty Pursuant to the United States-Israel Free Trade Area Agreement, and for Other Purposes

By the President of the United States of America
A Proclamation

1. Section 4 of the United States-Israel Free Trade Area Implementation Act of 1985 (the FTA Act) (19 U.S.C. 2112 note) confers authority upon the President to proclaim changes in tariff treatment which the President determines are required or appropriate to carry out the schedule of duty reductions for products of Israel set forth in Annex 1 to the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the Agreement), entered into on April 22, 1985, and submitted to the Congress on April 29, 1985. I have determined that the modifications to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) set forth in Annexes I, VIII, IX, AND X to this Proclamation are required or appropriate to carry out such duty reductions.

2. Previously, pursuant to Title V of the Trade Act of 1974, as amended, (the Trade Act) (19 U.S.C. 2461, *et seq.*), I designated certain articles provided for in the TSUS as eligible articles under the Generalized System of Preferences (GSP) when imported from designated beneficiary developing countries, and determined that limitations on the preferential treatment for eligible articles from certain beneficiary developing countries were necessary or appropriate. Previously, pursuant to section 503(a)(2)(A) of the Trade Agreements Act of 1979 (the Trade Agreements Act) (19 U.S.C. 2119 note), I determined that certain articles provided for in the TSUS are not import sensitive and, if the product of a least developed developing country (LDDC), are eligible for full tariff reductions pursuant to certain trade agreements without staging. Previously, pursuant to sections 211 and 218 of the Caribbean Basin Economic Recovery Act (the CBERA) (19 U.S.C. 2701, 2706), I designated certain articles provided for in the TSUS as eligible articles under the CBERA when imported from designated beneficiary countries.

3. In order to provide, for purposes of the GSP, for the continued designation of eligible articles and beneficiary developing countries (including least developed beneficiary developing countries, pursuant to section 504(c)(6) of the Trade Act (19 U.S.C. 2464(c)(6)), and associations of countries to be treated as individual countries for purposes of limitations on preferential treatment), and for the continuation of existing limitations on preferential treatment for articles from certain beneficiary developing countries, and in accordance with Title V of the Trade Act, as amended, it is appropriate that such preferential treatment and designations be set forth in this Proclamation.

4. Section 604 of the Trade Act (19 U.S.C. 2483) confers authority upon the President to embody in the TSUS the substance of the relevant provisions of that Act, of other Acts affecting import treatment, and of actions taken thereunder. In addition, section 8(b)(2) of the FTA Act (which amends Title V of the Trade Act) confers authority upon the President to embody in the TSUS, by proclamation, actions taken with respect to the GSP. In order to implement the duty reductions authorized by the FTA Act and to facilitate the administration of the preferential tariff regimes described above, it is necessary or appropriate to incorporate the duty treatment provided pursuant to the relevant provisions of the GSP, the Trade Agreements Act, the CBERA, and the FTA Act, in a rate of duty column in the TSUS entitled "Special", and to make other necessary and conforming changes as set forth in Annexes I through XI to this Proclamation.

Ante, p. 84.

19 USC
1351-1354.
19 USC 2701.

5. In Proclamation 5291 of December 28, 1984, I determined that modifications in the TSUS were appropriate in order to provide duty-free coverage comparable to the expanded coverage provided by other signatories to the Agreement on Trade in Civil Aircraft (31 UST (pt. 1) 619). Through technical error, the staged reductions in rates of duty for certain tariff items redesignated by the Proclamation were omitted. Accordingly, I have determined that due to the implementation of Proclamation 5291 that further modifications to Annex III to Proclamation 4707 of December 11, 1979, set forth in Annex XII to this Proclamation, are appropriate in order to ensure the application of such reductions in customs duties for articles classified in those tariff items.

Ante, p. 2007.

93 Stat. 1559.

6. In order to make technical corrections in the preferential treatment under the GSP for articles that are imported from countries designated as beneficiary developing countries consistent with the changes to the TSUS which have resulted from the implementation of Proclamation 5291 of December 28, 1984, and Proclamation 5305 of February 21, 1985, I have determined that the technical corrections to Executive Order No. 11888 of November 24, 1975, as amended, and general headnote 3 set forth in sections A and B, respectively, of Annex XIII to this Proclamation, are appropriate.

Ante, p. 2019.

3 CFR,
1971-1975
Comp., p. 1038.

7. In Proclamation 5133 of November 30, 1983, as amended by Proclamation 5142 of December 29, 1983, and Proclamation 5308 of March 14, 1985, I designated certain countries and territories as "beneficiary countries" under section 212 of the CBERA. Section 213(c)(2)(A) of the CBERA provides that duty-free treatment under the CBERA for sugar and beef products that are the product of a beneficiary country shall be suspended if such beneficiary country, within the ninety-day period beginning on the date of its designation as a beneficiary country, does not submit a stable food production plan to the President. I have not received stable food production plans from five beneficiary countries (Antigua and Barbuda, Montserrat, Netherlands Antilles, St. Lucia, and St. Vincent and the Grenadines) within the required ninety-day period. As provided by section 213(c)(3) of the CBERA, I have entered into consultations with these five beneficiary countries. These countries do not export sugar or beef products to the United States and, therefore, have determined not to submit stable food production plans at this time. Should they wish to export either sugar or beef products in the future, they may submit a stable food production plan for review by the United States Government at that time. In accordance with section 213(c)(2)(A) of the CBERA, I am suspending duty-free treatment extended under the CBERA to sugar and beef products that are the product of these five beneficiary countries. I will terminate the suspension of duty-free treatment under the CBERA imposed by this Proclamation with regard to any affected beneficiary countries which take appropriate action to remedy the factors on which the suspension was based.

98 Stat. 3544;
ante, p. 2022.

19 USC 2703.

Ante, p. 2007.

19 USC 2483.

19 USC 1202.

8. In Proclamation 5021 of February 14, 1983, as amended by Proclamation 5291 of December 28, 1984, I proclaimed temporary duty reductions on certain articles pursuant to legislation implementing the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials. And, pursuant to section 604 of the Trade Act, I modified the Appendix to the TSUS by inserting a new part 4 to such Appendix providing temporary duty reductions for such articles which were entered, or withdrawn from warehouse for consumption, on and after February 11, 1983, and before the close of August 11, 1985, as set forth in the Annex to Proclamation 5021. The effective period for the temporary reduction of such duties having expired on August 11, 1985, I am modifying the Appendix to the TSUS, pursuant to section 604 of the Trade Act, by deleting part 4 thereof.

19 USC 2112
note; *ante*, p. 84.
19 USC 2483.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to sections 4 and 8(b)(2) of the FTA Act, section 213(c) of the CBERA, and section 604 of the Trade Act, do proclaim that:

(1) The rate of duty column in the TSUS entitled "LDDC" is retitled "Special" each place it appears, including part 1B of the Appendix to the TSUS.

(2) Part 1 of the Appendix to the TSUS is further modified by inserting a rate of duty column entitled "Special", following the rate of duty column numbered 1, opposite each item for which a rate of duty column entitled "LDDC" is not set forth.

(3) The column in the TSUS entitled "GSP" is deleted.

(4) The modifications to the TSUS made by Annex I to this Proclamation, including the designations of eligible articles and beneficiary developing countries and the limitations on preferential treatment necessary to continue existing GSP treatment incorporated therein, and the suspension of duty-free treatment extended under the CBERA to sugar and beef products of certain beneficiary countries, shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on and after the effective date of this Proclamation.

(5) Products of Israel provided for in TSUS items which are enumerated in Annex VIII to this Proclamation and which are imported into the customs territory of the United States in accordance with general headnote 3 of the TSUS (as modified by Annex I to this Proclamation) on or after the effective date of this Proclamation are eligible for duty-free treatment, and a rate of duty of "Free" applicable to such products is inserted in the column in the TSUS entitled "Special" followed by the symbol "I" in parentheses.

(6) Products of Israel provided for in TSUS items which are enumerated in Annex IX to this Proclamation and which are imported into the customs territory of the United States in accordance with general headnote 3 (as modified by Annex I) on or after the effective date of this Proclamation are subject to duty as described in such Annex IX, and the rate of duty applicable to such products is inserted in the column in the TSUS entitled "Special" followed by the symbol "I" in parentheses.

(7) Products of Israel provided for in TSUS items which are enumerated in Annex X to this Proclamation and which are imported into the customs territory of the United States in accordance with general headnote 3 (as modified by Annex I) on or after January 1, 1995, are eligible for duty-free treatment, and a rate of duty of "Free" applicable to such products shall be inserted on such date in the column in the TSUS entitled "Special" followed by the symbol "I" in parentheses. Until January 1, 1995, products of Israel

provided for in the TSUS items enumerated in Annex X are subject to the rate of duty in column numbered 1 of the TSUS unless the tariff treatment of such products is expressly modified in accordance with section 5(c)(2) of the FTA Act.

19 USC 1202.

19 USC 2112
note.

(8) In order to provide duty-free treatment to articles hereby designated as eligible articles for purposes of the GSP when imported from any designated beneficiary developing country, for each of the TSUS items enumerated in Annex III to this Proclamation, a rate of duty of "Free" is inserted in the column in the TSUS entitled "Special" followed by the symbol "A" in parentheses for each such item.

(9) In order to provide duty-free treatment to articles hereby designated as eligible articles for purposes of the GSP, except when imported from the designated beneficiary countries set forth opposite those TSUS items enumerated in general headnote 3 (as modified by Annex I to this Proclamation), for each of the TSUS items enumerated in Annex IV to this Proclamation, a rate of duty of "Free" is inserted in the column in the TSUS entitled "Special" followed by the symbol "A" in parentheses for each such item.

(10) For each of the TSUS items which are enumerated in section A of Annex V to this Proclamation, the rates of duty set forth for each item in such section A of Annex V is inserted in the column in the TSUS entitled "Special" followed by the symbol "D" in parentheses.

(11) For each of the TSUS items which are enumerated in sections B and C of Annex V to this Proclamation, effective as of the dates provided in such sections B and C, the rates of duty set forth for each item in such sections B and C of Annex V shall be inserted in the column in the TSUS entitled "Special" followed by the symbol "D" in parentheses.

(12) For each of the TSUS items which are enumerated in Annex VI to this Proclamation, a rate of duty of "Free" is inserted in the column in the TSUS entitled "Special" followed by the symbol "E" in parentheses.

(13) For each of the TSUS items which are enumerated in Annex VII to this Proclamation, a rate of duty of "Free" is inserted in the column in the TSUS entitled "Special" followed by the symbol "E" in parentheses.

(14) For each of the TSUS items which are enumerated in Annex XI to this Proclamation, the rate status set forth for each item in such Annex XI is inserted in the column in the TSUS entitled "Special".

(15) Annex III to Proclamation 4707 of December 11, 1979, is amended as set forth in Annex XII to this Proclamation effective as to articles entered, or withdrawn from warehouse for consumption, on and after the effective date specified in Annex XII to this Proclamation.

93 Stat. 1559.

(16) Annexes II and III of Executive Order No. 11888, as amended, and general headnote 3 are further amended as set forth in sections A and B, respectively, of Annex XIII to this Proclamation effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after the effective dates specified in sections A and B of Annex XIII to this Proclamation.

3 CFR,
1971-1975
Comp., p. 1038.

(17) Annex III of Proclamation 4707 and Annex III of Proclamation 4768 of June 28, 1980, are amended as set forth in Annex II to this Proclamation as of the effective date of this Proclamation.

(18) Except for articles provided for in items which are enumerated in Annex IV to Proclamation 4707 and Annex IV to Proclamation 4768 and which are not enumerated in Annex V to this Proclamation, Annex IV to Proclamation 4707 and Annex IV to Proclamation 4768 are superseded by Annex V to this Proclamation, to the extent inconsistent therewith, as of the effective date of this Proclamation.

(19) Executive Order No. 11888, as amended by subsequent Executive orders for purposes of the GSP, and as amended by subsequent proclamation to the extent they amend Executive Order No. 11888 for purposes of the GSP, is superseded by this Proclamation as of the effective date of this Proclamation.

94 Stat. 3765, 98 Stat. 3527, 3544; *ante*, pp. 2001, 2019, 2022.

(20) Proclamations 4707, 4768, 5133, 5142, 5291, 5305, and 5308, are superseded to the extent inconsistent with this Proclamation.

(21) Part 4 of the Appendix to the TSUS is deleted effective August 12, 1985.

(22) Except as provided in paragraphs (11), (15), (16), and (21), the provisions of this Proclamation shall be effective as to articles entered, or withdrawn from warehouse for consumption, on and after September 1, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5366 of September 14, 1985

National Hispanic Heritage Week, 1985

*By the President of the United States of America
A Proclamation*

One of the greatest strengths of our Nation is its rich mixture of people from various cultural backgrounds. Americans of Hispanic heritage have made an immense and unique contribution. In thousands of communities across the land, Hispanics are a vital element in fostering America's achievements in fields as diverse as the arts and industry, agriculture and education, religion and business, science and politics.

People from Spain were among the first explorers and settlers in the New World, long before the United States became an independent Nation. They came in search of a better life for themselves and their children, and they have helped to create a richer life for all of us.

In our international relations, Hispanic Americans also contribute to our Nation's identity—our own perception of who we are and our role in the world. The strong family and cultural ties which bind Hispanics in the United States with our nearest neighbors are an important element of strength, unity, and understanding in the Western Hemisphere. The freedom of our neighbors is our freedom. Their security is our security. We Americans seek justice, economic progress, the spirit of good neighborliness throughout the hemisphere, and we count on Americans of Hispanic heritage for special insight and leadership as we work together toward these goals.

In recognition of the many achievements of the Hispanic American community, the Congress, by Joint Resolution approved September 17, 1968 (Public Law 90-498), has authorized and requested the President to issue annually a proclamation designating the week which includes September 15 and 16 as "National Hispanic Heritage Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning September 15, 1985, as National Hispanic Heritage Week, in recognition of the Hispanic individ-

uals, families, and communities that enrich our national life. I call upon the people of the United States, especially the educational community, to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5367 of September 16, 1985

Citizenship Day and Constitution Week, 1985

*By the President of the United States of America
A Proclamation*

In this, the commencement year of the 100th anniversary renovation of the Statue of Liberty, Americans are called on to renew and deepen their appreciation of the unique and precious heritage passed on to us by our Founding Fathers. This heritage finds its most sustained and formal expression in the United States Constitution. It is truly a marvel that a group of people assembled from a small population could develop a document capable of guiding the course of this Nation through nearly 200 years of growth to become the greatest on earth. The wisdom and foresight of the architects of the Constitution is manifest in the fact that this dynamic document has required so few amendments over the 198 years of its existence, and has remained a powerful governing tool throughout.

The kind of society our Constitution has created—free and fair and reformable—helps to explain the desire of many foreign nationals to become United States citizens. Last year, over a quarter of a million people, more than ever before in a single year, took the oath of United States citizenship. Clearly the fire of liberty enshrined in the Constitution is not only a hearth to warm, it remains a beacon that draws people from every continent.

How grateful to God all Americans should be that our Constitution remains as Judge David Davis observed more than a century ago: “A law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.”

In recognition of the importance of our Constitution and the role of our citizenry in shaping our government, the Congress, by Joint Resolution of February 29, 1952 (36 U.S.C. 153), designated September 17 of each year as Citizenship Day and authorized the President to issue annually a proclamation calling upon officials of the government to display the flag on all government buildings on that day. The Congress, by Joint Resolution of August 2, 1956 (36 U.S.C. 159), also requested the President to proclaim the period beginning September 17 and ending September 23 of each year as Constitution Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, call upon appropriate government officials to display the flag of the United States on all government buildings on Citizenship Day, September 17, 1985. I urge Federal, State and local officials, as well as leaders of civic, educational, and religious organizations, to conduct appropriate ceremonies and programs that day to commemorate the occasion.

I also proclaim the period beginning September 17 and ending September 23, 1985, as Constitution Week, and I urge all Americans to observe that week with fitting ceremonies and activities in their schools, churches, and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5368 of September 27, 1985

National Sewing Month, 1985

By the President of the United States of America
A Proclamation

The sewing industry annually honors approximately fifty million people who sew at home and approximately forty million people who sew at least part of their wardrobes. Their initiative, creativity, and self-reliance are characteristic of the people of our Nation.

The home sewing industry generates an estimated \$3,500,000,000 annually for the economy of the United States. Home sewing also has enhanced career opportunities for many Americans in fields such as fashion, retail merchandising, design, patternmaking, and textiles. Learning the art of sewing in the home or in elementary school home economics classes started many on careers in these fields.

Ante, p. 467.

In recognition of the importance of home sewing to our Nation, the Congress, by Senate Joint Resolution 173, has designated the month of September 1985 as "National Sewing Month," authorizing and requesting the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim September 1985 as National Sewing Month. I call upon the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5369 of September 27, 1985

National Adult Day Care Center Week, 1985

By the President of the United States of America
A Proclamation

The people of this Nation are striving to help older Americans to avoid being institutionalized unnecessarily and to remain independent in their

mes. The rapid growth of adult day care centers is a reflection of the increasing interest in the development of long-term community care alternatives for the elderly. These centers offer comprehensive personal, medical, and therapeutic assistance to older people and to the handicapped, thus helping them to maintain a great degree of independence. The centers also offer support for families who are willing to care for their loved ones at home, but who welcome the opportunities the centers afford for wider human contacts among people often consigned to loneliness.

Many adult day care centers throughout America are to be commended for recognizing the vital needs of older people and for striving to meet those needs.

To increase public awareness of the importance of adult day care centers, the Congress, by House Joint Resolution 229, has designated the week beginning September 22, 1985, as "National Adult Day Care Center Week" and authorized and requested the President to issue a proclamation in observance of this occasion.

Ante, p. 470.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning September 22 through September 28, 1985, as National Adult Day Care Center Week, and I call upon all government agencies, national organizations, community groups, and the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5370 of September 27, 1985

National Historically Black Colleges Week, 1985

By the President of the United States of America
Proclamation

The one hundred and two historically black colleges and universities in the United States have contributed substantially to the growth and enrichment of the Nation. These institutions have a rich heritage and tradition of providing high quality academic and professional training, and their graduates have made countless contributions to the progress of our complex technological society.

Historically black colleges and universities bestow forty percent of all degrees earned by black students in the United States. They have awarded degrees to sixty percent of the black physicians, sixty percent of the pharmacists, forty percent of the attorneys, fifty percent of the engineers, seven-fifty percent of the military officers, and eighty percent of the members of the judiciary. Throughout the years, these institutions have helped many underprivileged students to develop their full talents through higher education.

Recognizing that the achievements and aspirations of historically black colleges and universities deserve national attention, the Congress of the

Ante, p. 468.

United States, by Senate Joint Resolution 186, has designated the week of September 23 through September 29, 1985, as "National Historically Black Colleges Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of September 23 through September 29, 1985, as National Historically Black Colleges Week. I ask all Americans to observe this week with appropriate ceremonies and activities to express our respect and appreciation for the outstanding academic and social accomplishments of the Nation's black institutions of higher learning.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5371 of September 30, 1985

National Employ the Handicapped Week, 1985

By the President of the United States of America

A Proclamation

Today disabled men and women are entering the American labor force in unprecedented numbers, finding personal fulfillment and contributing to our society and our economy. The reasons for this welcome development are not hard to find: enhanced enforcement of laws that prohibit discrimination against the handicapped; actions by employers to provide more accessible work places and transportation; improved education and training; more innovative job accommodations; and better attitudes toward the disabled. The most important reason of all is the outstanding work record people with disabilities are achieving at their jobs.

But none of this should make us complacent. Much remains to be done if we are to bring brighter days to all the disabled people of our country.

All of us must constantly strive for full acceptance of disabled people, so that we begin to see people rather than disabilities. We must first learn, and then seek to inculcate in others, especially the young, a deep respect for the human person, whatever that person's handicaps. By doing so, we reaffirm the timeless American principle of equality of opportunity and help build a future in which the unique attributes of every citizen are recognized and allowed to develop for the good of all.

The Congress, by Joint Resolution approved August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of the first full week in October of each year as "National Employ the Handicapped Week." This special week is a time for all Americans to join together to renew their dedication to meeting the goal of full opportunities for disabled citizens.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning October 6, 1985, as National Employ the Handicapped Week. I urge all governors, mayors, other public officials, leaders in business and labor, and private citizens to help meet the challenge of the future by ensuring that disabled people have the opportunity to participate fully in the economic life of the Nation.

WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and th.

RONALD REAGAN

Proclamation 5372 of October 1, 1985

United Nations Day, 1985

the President of the United States of America
Proclamation

The founders of the United Nations, meeting in San Francisco 40 years ago, set forth in the U.N. Charter the fervent hope that humanity might experience peace and international cooperation in the era after the greatest and most costly war ever experienced. The ideals expressed in the Charter are that all member states would work together to maintain international peace and security, encourage human rights, and cooperate in dealing with economic, social, humanitarian, and technical problems that afflict our planet.

The United Nations and its family of international organizations have fought, constructively, to improve the human condition. Many people today live under better conditions because of work done in the name of these organizations. That hope for international cooperation, expressed 40 years ago, has been achieved most often in the U.N.'s technical, development, and humanitarian agencies. The United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the International Civil Aviation Organization (ICAO), the World Meteorological Organization (WMO), the International Atomic Energy Agency (IAEA), and the World Food Program (WFP), for example, have made major contributions to the safety and welfare of people everywhere.

On this the United Nation's 40th Anniversary, it is appropriate that all member states reflect not only on the achievements of the organization, but also on its shortcomings, its unfulfilled promise, and yes, even its failures. We must do so in a positive spirit, seeking constructive solutions to those problems that prevent the U.N. from realizing its full potential and fully embodying the ideals of the Charter. We believe that by facing those problems realistically and working together, many can be solved. The tasks before us are not easy. It will require both patience and dedication to the ideals of the U.N. Charter. We owe it to ourselves, however, to our children, and to all future generations to make this effort.

For the American people and their elected representatives, the United Nations plays an important role in the search for peace with justice. It provides a forum where member states can discuss and try to resolve their differences peacefully, in the spirit of the Charter. We will continue to do all we can to support that process within the U.N., within recognized regional organizations, and in direct bilateral dialogue. As we encourage more responsible international behavior, we strengthen the United Nations and the prospect of achieving the goals of its Charter. But much more can and must be done. We look to all member states to support the sound principles upon which the U.N. was founded. These include respect for the rights and views of all states that may find themselves in the minority, and support for recog-

nized regional associations as provided for in the Charter, as well as the wise use of its own resources and established procedures.

The people and the government of the United States take satisfaction in the very substantial moral, political, and financial support we have given to the United Nations since its founding. We remain firmly committed to the noble ideals set forth in the Charter; they are entirely consonant with the ideals embodied in our own political institutions. The United Nations continues to stand as the symbol of the hopes of all mankind for a more peaceful and productive world. We must not disappoint those hopes.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Thursday, October 24, 1985, as United Nations Day and urge all Americans to acquaint themselves with the activities of the United Nations, its accomplishments, and the challenges it faces. I have appointed Peter H. Dailey to serve as 1985 United States Chairman for United Nations Day and welcome the role of the United Nations Association of the United States of America in working with him to celebrate this special day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5373 of October 1, 1985

General Pulaski Memorial Day, 1985

*By the President of the United States of America
A Proclamation*

General Casimir Pulaski's life was committed to the cause of freedom. Before coming to America in 1777, he fought bravely and tirelessly for the independence of his beloved Poland. Here, he devoted all his energy and skill to the American War of Independence. His personal contribution to the Revolutionary Army on the field of battle, his tactical innovations, and his creation of a highly effective corps of dragoons, known informally as the Polish Legion, won him the title: "Father of American Cavalry."

On October 11, 1779, General Pulaski gave his life in our struggle for freedom. He died from wounds suffered bravely in the battle of Savannah. Although he died before the goal of a free and independent America had been achieved, his heroic example has inspired Polish and American patriots for over two centuries. George Washington's words written to the Continental Congress in 1778 memorialize General Pulaski: "The Count's valor and active zeal on all occasions have done him great honor."

As we gratefully reflect on the life of this great champion of freedom, we are moved to salute all Americans of Polish descent, who from the settlement in Jamestown through the Revolutionary War and on to the present have contributed so greatly and so generously to the realization of the American dream. Generations of Polish Americans have left a lasting imprint on American life in every field of human endeavor: from science and the arts to politics, sports, and religion. Their achievements have enriched the lives of all Americans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Friday, October 11, 1985, as General Pulaski Memorial Day, 1985, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day. In addition, I encourage the people of the United States to commemorate this occasion as appropriate throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5374 of October 3, 1985

Leif Erikson Day, 1985

*By the President of the United States of America
A Proclamation*

Sent by King Olav in the year 1000 to bring Christianity to the Nordic settlers in Greenland, Leif Erikson set out on a daring and danger-filled voyage that began a centuries-long relationship between the Nordic peoples and the lands of North America. "Leif the Lucky," as his contemporaries knew him, sailed well beyond the tip of Greenland to the shores of the North American mainland. His enthusiastic account of his voyage describes a fertile land abounding in fruit, grain, and timber.

Hundreds of years later, millions of Nordics followed in the wake of Leif Erikson, crossing the Atlantic to make their homes in this land of opportunity. Pressing westward, they settled across the continent, making important contributions to American agriculture and industry. Prizing personal freedom, hard work, and family values, these hardy God-fearing pioneers played a key role in shaping the American character. Today, cultural exchanges, commercial ties, and cordial diplomatic relations with the countries of Denmark, Finland, Iceland, Norway, and Sweden continue to enrich the lives of all Americans.

To commemorate the courage of Leif Erikson and in recognition of our long and fruitful relationship with the peoples of northern Europe, the Congress of the United States, by a joint resolution approved on September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), has authorized and requested the President to proclaim October 9 of each year as Leif Erikson Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 9, 1985, as Leif Erikson Day, 1985, and I direct the appropriate government officials to display the flag of the United States on all government buildings that day. I also invite the people of the United States to honor Leif Erikson and our Nordic-American heritage by holding appropriate exercises and ceremonies in suitable places throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5375 of October 4, 1985**Child Health Day, 1985**

By the President of the United States of America
A Proclamation

42 USC 701.

This year, we mark the golden anniversary of the landmark maternal and child health legislation, Title V of the Social Security Act. Under that authority, the Federal government has sponsored a wide variety of training, demonstration, research, and related special activities that have made a great contribution to our effectiveness in providing health care to American mothers and their children.

Even more important, I believe, is the fact that for 50 years we have provided assistance to the States through formula grants and, more recently, through the Maternal and Child Health Services Block Grant. Through this approach, States have matched Federal funds and have assumed full responsibility for program administration. We can all take pride in this relationship that has supported a wide range of vital preventive and therapeutic services for mothers and infants and children and adolescents, including highly sophisticated help to children with special needs, such as those with handicaps and chronic illness. We can take pride in the services provided and, especially, in the way they are provided, for the nature, scope, location, and timing of these services are determined as they should be—at the State and community levels, and by the medical professionals at the scene. These are the people who know firsthand what the greatest needs are and how best to respond to them.

On this Child Health Day, 1985, as we celebrate 50 years of cooperative endeavor in support of maternal and child health, we should rededicate ourselves to the expansion of State and local responsibility in this extremely important field. We must do everything necessary to protect the health of our mothers and children. We must remember that the best way to do this is to entrust the responsibilities and the needed resources to the States and communities in which they live.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, pursuant to a joint resolution approved May 18, 1928, as amended (36 U.S.C. 143), do hereby proclaim Monday, October 7, 1985, as Child Health Day.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5376 of October 4, 1985**Columbus Day, 1985**

By the President of the United States of America
A Proclamation

We are privileged each year to pay honor to the great explorer whose epic voyages of discovery led to the development of the Western Hemisphere.

Christopher Columbus won an imperishable place in history and in the hearts of all Americans by challenging the unknown and defying the doubters. In doing so he set in motion a chain of events which transformed the world and led to the birth of the great country in which we live.

Columbus' achievement lies not only in his daring navigational exploits but also in the practical outgrowth of his efforts. More than a great seaman, he was a man of vision who could see the opportunities that lay beyond the horizon. Indeed, the results of his quest were far grander than he could have envisioned. Those who followed in the path he had opened built a new world whose economic, political, and social development have been marvels of human energy and ingenuity. People from across the globe have come to America to find freedom, justice, and economic opportunity.

Columbus exemplified a spirit which still inspires all Americans—a spirit of reaching out, expanding the frontiers of knowledge, a spirit of undaunted hope. In the words of Joaquin Miller, "He gained a world; he gave that world its grandest lesson: 'On! Sail on!'" Like Columbus, we Americans are ready to take risks in pursuit of our goals. We understand that boundless opportunities await those who dare to strive.

Our tribute to Columbus has special meaning to Americans of Italian descent. This son of Genoa was the first of many great Italian travelers to the New World. Millions of his countrymen would later settle in the new land, adding their precious contribution to the developments that stemmed from Columbus' voyages. Columbus was the first link in a chain which today binds the United States to Italy in a special relationship.

This remembrance is also particularly important for those of Spanish descent. Columbus' achievement depended on the vision and energy of a newly united Spain. This was only the first of Spain's many cultural and economic contributions to the New World. We share with our Spanish-speaking neighbors this heritage and our debt of gratitude to Spain.

In the coming years this commemoration of the voyage of 1492 will take on heightened significance, because we are approaching the 500th anniversary of that great event. The Christopher Columbus Quincentenary Jubilee Commission, a distinguished group of Americans assisted by representatives from Spain and Italy, will plan, encourage, and carry forward the commemoration of Columbus' great voyages of discovery. The Committee held its initial meeting on September 12, and will report within two years its recommendations for observance of the celebration.

Our tribute to Columbus' achievement, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), has requested the President to proclaim the second Monday in October of each year as Columbus Day. 36 USC 146.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Monday, October 14, as Columbus Day. I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of this great explorer. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5377 of October 4, 1985

Suspension of Entry as Nonimmigrants by Officers or Employees of the Government of Cuba or the Communist Party of Cuba

By the President of the United States of America

A Proclamation

In light of the current state of relations between the United States and Cuba, including the May 20, 1985, statement that the Government of Cuba had decided "to suspend all types of procedures regarding the execution" of the December 14, 1984, immigration agreement between the United States and Cuba, thereby disrupting normal migration procedures between the two countries, I have determined that it is in the interest of the United States to impose certain restrictions on entry into the United States of officers or employees of the Government of Cuba or the Communist Party of Cuba.

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, including section 212(f) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1182(f)), having found that the unrestricted entry of officers or employees of the Government of Cuba or the Communist Party of Cuba into the United States would, except as provided in Section 2, be detrimental to the interests of the United States, do proclaim that:

Section 1. Entry of the following classes of Cuban nationals as nonimmigrants is hereby suspended: (a) officers or employees of the Government of Cuba or the Communist Party of Cuba holding diplomatic or official passports; and (b) individuals who, notwithstanding the type of passport that they hold, are considered by the Secretary of State or his designee to be officers or employees of the Government of Cuba or the Communist Party of Cuba.

Sec. 2. The suspension of entry as nonimmigrants set forth in Section 1 shall not apply to officers or employees of the Government of Cuba or the Communist Party of Cuba: (a) entering for the exclusive purpose of conducting official business at the Cuban Interests Section in Washington; at the Cuban Mission to the United Nations in New York; or at the United Nations in New York when, in the judgment of the Secretary of State or his designee, entry for such purpose is required by the United Nations Headquarters Agreement; (b) in the case of experts on a mission of the United Nations and in the case of individuals coming to the United States on official United Nations business as representatives of nongovernmental organizations when, in the judgment of the Secretary of State or his designee, entry for such purpose is required by the United Nations Headquarters Agreement; or (c) in such other cases or categories of cases as may be designated from time to time by the Secretary of State or his designee.

Sec. 3. This Proclamation shall be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of Oct., in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5378 of October 7, 1985

Twenty-fifth Anniversary Year of the Peace Corps

the President of the United States of America

Proclamation

The American people throughout our history have shown their commitment and concern for the welfare of their fellow men and women, both in their own communities and around the globe. Nowhere has the proud American tradition of voluntarism been better illustrated than through the Peace Corps, which has begun a year-long observance of its twenty-fifth anniversary.

For a quarter of a century, the Peace Corps has recruited and trained volunteers to serve in countries of the developing world, helping people help themselves in their quest for a better life. More than one hundred and twenty thousand Americans have served in the Peace Corps in more than eighty countries. Their projects and programs have built bridges of understanding between the people of the United States and the peoples of the countries they have been privileged to serve.

Peace Corps volunteers have returned to their communities enriched by the experience, knowing more of the world, its complexities, and its challenges. They continue to communicate with people in the countries where they served, thereby strengthening the ties of friendship and mutual understanding.

The Peace Corps' call for service has renewed importance today, as American volunteers help others overseas seek long-term solutions to the complex human problems of hunger, poverty, illiteracy, and disease. The general response to this call continues to exceed the Peace Corps' recruitment requirements.

The Congress, by House Joint Resolution 305, has designated the period from October 1, 1985, through September 30, 1986, as the twenty-fifth anniversary year of the Peace Corps and authorized and requested the President to issue a proclamation on this occasion to honor Peace Corps volunteers past and present. *Ante*, p. 484.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 1, 1985, through September 30, 1986, the Twenty-fifth Anniversary Year of the Peace Corps. I call upon the public and private international voluntary organizations, development experts, scholars, the business community, individuals and leaders in the United States of America and overseas, and past and present Peace Corps volunteers to reflect upon the achievements of the Peace Corps during its twenty-five years, as well as to consider ways that the talents and experience of its volunteers may be used even more effectively in the future. During this time, I invite all Americans to honor the Peace Corps and its volunteers past and present, and reaffirm our Nation's commitment to help people in the developing world help themselves.

WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred and eighty-five, and of Independence of the United States of America the two hundred and th.

RONALD REAGAN

Proclamation 5379 of October 7, 1985**Mental Illness Awareness Week, 1985**

By the President of the United States of America

A Proclamation

At some time in their lives, millions of Americans in all walks of life suffer from some form of mental illness. The cost of such illness to society is staggering, totaling billions of dollars for treatment, support, and lost productivity each year.

The emotional costs to those who suffer, and the anguish it causes their families and friends, are beyond reckoning. Because of the unwarranted stigma too often associated with mental illness—a by-product of fear and misunderstanding—many victims do not seek the help they need.

But help is available. Treatment can bring relief to many. Scientific advances in recent decades have led to a variety of effective treatments, using modern drugs as well as behavioral and psychosocial therapies: the lows of a depressive disorder can be ameliorated; suicide prevented; hallucinations and delusions dispelled; and crippling anxieties eased. Those who suffer can be healed and again become productive members of society.

Ante, p. 485.

In recognition of the unparalleled growth in scientific knowledge about mental illnesses and the need to increase awareness of such knowledge, the Congress, by Senate Joint Resolution 67, has designated the week beginning October 6, 1985, as "Mental Illness Awareness Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 6, 1985, as Mental Illness Awareness Week. I call upon all health care providers, educators, the media, public and private organizations, and the people of the United States to join me in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5380 of October 9, 1985**Fire Prevention Week, 1985**

By the President of the United States of America

A Proclamation

Fire controlled is one of man's greatest friends; unchecked, it is our deadly enemy. Each year, millions of fires kill thousands of Americans and destroy billions of dollars of property.

Carelessness and apathy are fire's greatest allies. But an informed public aware of fire hazards and ways to prevent and combat fire can bring the problem under control.

Thanks to the efforts in both the public and private sectors, our annual fire loss has been declining in recent years. But we must not become complacent. We must build on the progress that has been made.

I urge every American to join the fight against fire. During Fire Prevention Week, communities should begin initiatives for fire prevention and control that can be implemented throughout the year. I encourage all citizens to join in local efforts to marshal the forces of the entire community—local government, the fire service, business leaders, civic organizations, and service groups—to redouble their efforts to prevent and control fire and minimize its toll of life and property.

One place we can all start is with this year's Fire Prevention Week theme, "Fire Drills Save Lives." Everyone should plan ahead noting the most convenient fire exits. Families should install and maintain smoke detectors in their homes to provide early warning of fire. Your local firefighters can provide you with more detailed recommendations and will be happy to do so. And let us not forget to thank them for the great job they do to protect us, our homes, our businesses, and our belongings. Daily they risk their lives to protect our communities. It is most fitting that the culmination of National Fire Prevention Week will be the observance of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland. The observance will honor the scores of brave firefighters who last year gave their lives in service to others.

We also must recognize and commend the efforts of all organizations concerned with fire prevention and control, and in particular the National Fire Protection Association, the International Association of Firefighters, the International Association of Fire Chiefs, the National Volunteer Fire Council, the International Society of Fire Service Instructors, the Fire Marshals Association of North America, and all the members of the Joint Council of National Fire Service Organizations.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of October 6, 1985, as Fire Prevention Week, and I call upon the people of the United States to plan and actively participate in fire prevention activities during this week and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5381 of October 9, 1985

National School Lunch Week, 1985

By the President of the United States of America
A Proclamation

Since 1946, the National School Lunch Program has made it possible for our Nation's children to enjoy nutritious, well-balanced, low-cost lunches. Now in its 39th year, the National School Lunch Program stands as an outstanding example of a successful partnership between Federal and State governments and local communities to make food and technical assistance available in an effort to provide a more nutritious diet for students.

The youth of our Nation are our greatest resource, and the school lunch program demonstrates our commitment to the promotion of their health and well-being. Under its auspices, over 23 million lunches are served daily in nearly 90,000 schools throughout the country. The success of this effort is largely due to resourceful and creative food service managers and staff, working in cooperation with government personnel, parents, teachers, and members of civic groups.

36 USC 168.

By joint resolution approved October 9, 1962, the Congress has designated the week beginning on the second Sunday of October in each year as "National School Lunch Week" and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 13, 1985, as National School Lunch Week, and I call upon all Americans to give special and deserved recognition to those people at the State and local level who, through their dedicated and innovative efforts, have contributed so much to the success of the school lunch program.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5382 of October 9, 1985

White Cane Safety Day, 1985

*By the President of the United States of America
A Proclamation*

Americans admire courage and respect independence. Every day some of our neighbors renew our appreciation of these qualities. They are the Americans who set forth about their daily business bearing the white cane.

The white cane is the badge of courage carried by those blind and visually impaired citizens who believe freedom and independence are meant for all Americans. The white cane tells the world that its bearer expects not pity but fairness and consideration—on the street, on the job, and everywhere Americans' paths cross.

36 USC 169d.

In recognition of the significance of the white cane, the Congress, by joint resolution approved October 6, 1964, has authorized the President to designate October 15 of each year as "White Cane Safety Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 15, 1985, as White Cane Safety Day. I urge all Americans to salute the courage of those who carry the white cane and consider how each of us, in our work and in our daily rounds, can show our respect for these proud and able Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5383 of October 9, 1985

National Spina Bifida Month, 1985

The President of the United States of America
Proclamation

Spina bifida is one of the most common birth defects. It affects between one and two of every 1,000 babies born in the United States. Infants with spina bifida may have partially developed spinal cords and often suffer from nerve damage, muscle paralysis, and spine and limb deformities. Most develop hydrocephalus—a potentially dangerous buildup of fluid and pressure within the brain.

Not long ago, the majority of children with spina bifida died. Today, their survival rate and long-term outlook have improved dramatically. Carefully planned programs of biomedical research have led to advances in neurosurgery that help alleviate some physical problems. Through research, physicians now are able to control brain and bladder infections more effectively. Scientists have also developed lighter braces and splints to give patients greater mobility.

Further improvements in treating this crippling birth defect can be expected to result from research supported by the Federal government's National Institute of Neurological and Communicative Disorders and Stroke and the National Institute of Child Health and Human Development. Achieving the long-sought goal of prevention now appears more likely. Collaborating in this vital effort are a number of private, voluntary health agencies including the Spina Bifida Association of America, the March of Dimes Birth Defects Foundation, and the National Easter Seal Society. The combined energies of the Federal and private agencies assure the Nation of continued progress toward the conquest of spina bifida.

That we as a Nation may increase our sensitivity to the needs of spina bifida children and the difficulties faced by their parents, the Congress, by Senate Joint Resolution 111, has designated October 1985 as "National Spina Bifida Month" and authorized and requested the President to issue a proclamation in observance of this month.

Ante, p. 487.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 1985 as National Spina Bifida Month, and I call upon all government agencies, health organizations, and the people of the United States to observe this month with appropriate ceremonies and activities.

WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5384 of October 9, 1985

Oil Heat Centennial Year, 1985

The President of the United States of America
Proclamation

It was just 100 years ago that American ingenuity developed oil heat as a practical reality. On August 11, 1885, the Patent Office granted to David H.

Burrell of Little Falls, New York, a patent for the first technically sound oil burner—a furnace that could burn liquid and gaseous fuels. By 1893 oil burners were used for the first time in major public exhibit buildings at the Columbian Exposition in Chicago. By the 1970s, oil burner technology had been adapted to the heating needs of more than 15 million Americans, providing comfort for homes, schools, businesses, and factories.

There is hardly an area of the Nation where this great resource has not been a critical development factor. The oil heat industry is, and always has been, made up of a large and diverse group of competitive small businesses, many of which are in the forefront of the new energy-efficient technologies of the 1980s. They are helping develop higher-efficiency oil heat, new conservation techniques, solar heating, and other technologies.

Ante, p. 496.

In recognition of the many thousands of men and women who have contributed to this important industry in our Nation over the past 100 years, the Congress, by Senate Joint Resolution 115, has designated 1985 as "Oil Heat Centennial Year" and authorized and requested the President to issue a proclamation to commemorate this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim 1985 as Oil Heat Centennial Year. I call upon the people of the United States to observe the occasion with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5385 of October 11, 1985

Learning Disabilities Awareness Month, 1985

*By the President of the United States of America
A Proclamation*

The crowning wonder of our marvelous universe is the human brain. This organ of awesome complexity usually functions so dependably that thoughts can be transmitted from one person to another across the centuries, across the barriers of language, custom, and place. In all our daily transactions, we assume that others will comprehend and respond to the symbols of logic and language that are processed through the instrumentality of the brain.

Yet many Americans do not always find our language, numbers, and symbols natural and logical. They exhibit learning disabilities. In a sense, they are most aware of the deep complexity of our mental processes, for they must struggle to make the connections that, for most of us, are effortless habits.

While science still knows little about the biochemical and structural differences in brain function that may account for the various anomalies we call learning disabilities, our educators are finding alternative methods of teaching which help the learning disabled enjoy a greater use of their mental potential despite the difficulties they may face in reading, calculating, and other forms of mentation and expression. Meanwhile, scientific observation

the difficulties and the successes of learning-disabled persons is helping researchers gain greater understanding of both the learning process and the functioning of the brain.

awareness of learning disabilities is one of the most important advances in education in recent years. As more and more Americans become aware, our citizens with learning disabilities will have even greater opportunity to lead full and productive lives and to make a contribution to our society.

The Congress, by House Joint Resolution 287, has designated the month of October 1985 as "Learning Disabilities Awareness Month" and has authorized and requested the President to issue a proclamation in honor of this observance.

Ante, p. 489.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of October 1985 as Learning Disabilities Awareness Month, and I call upon all Americans to observe this week with appropriate ceremonies.

WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and th.

RONALD REAGAN

Proclamation 5386 of October 11, 1985

National Down Syndrome Month, 1985

By the President of the United States of America
Proclamation

Over the past decade, Americans have become increasingly aware of the accomplishments and the potential of the developmentally disabled. Nowhere has this become more evident than in the changed attitudes and perceptions regarding Down Syndrome.

Not a few short years ago, this condition carried with it the stigma of hopeless mental retardation. There were few options available other than institutionalization or other forms of custodial care. Today, great progress has been made on all fronts. Through advances in medical science, the basis for the condition has been uncovered, raising hopes for eventual prevention. Already, treatment can minimize the effects of the condition and increase the life span of people with Down Syndrome.

Through the efforts of concerned physicians, teachers, and parent groups, such as the National Down Syndrome Congress, programs are being put in place to assure access to appropriate medical treatment, education, rehabilitation, and employment. Such programs can have a dramatic impact on the lives of those with this disorder, respecting their intrinsic worth as individuals and maximizing the contributions they can make to society. These efforts include developing special education classes within the context of mainstream school programs; providing vocational training in preparation for competitive employment in the work force; and preparing young adults with Down Syndrome for independent living.

In addition, parents of babies with Down Syndrome are receiving the education and support they need to understand this condition and acquire new hope for the future of their children. We must work together to increase the

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5389 of October 11, 1985

National Housing Week, 1985

By the President of the United States of America

A Proclamation

A gratifying sign of our continuing economic upswing is the greatly improved housing picture. The strength and ingenuity of private enterprise, the efficiency and liquidity of our capital markets, and sound government policies have brought decent and affordable housing to the overwhelming majority of Americans. The opportunity to own a home or to live in decent rental housing strengthens the family, the community, and the Nation. It gives individual Americans a stake in the local community and encourages responsible political involvement.

Since World War II, the housing industry has made an immense contribution to the economic prosperity of the United States. It has created millions of productive jobs, creating demand for goods and services, and generated billions of dollars in tax revenues.

Shelter is one of the most basic human needs, and therefore encouraging the production of decent affordable housing must be a primary concern at all levels of government. It is, then, fitting to reaffirm our national commitment to livable housing and family home ownership and to recognize the multiple economic benefits engendered by the current housing recovery.

Ante, p. 518.

The Congress, by Senate Joint Resolution 197, has designated the week beginning October 6, 1985, through October 13, 1985, as "National Housing Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 6, 1985, as National Housing Week. I call upon the Governors, Mayors of our cities, and people of this Nation to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5390 of October 15, 1985

National Forest Products Week, 1985

By the President of the United States of America

A Proclamation

From the dense stands of hardwoods in New England to the towering redwoods of California, America has been blessed with an abundance of forestland. There is much to praise in the beauty of our forests and much to be thankful for. John Muir once said of the forests of America that they "must have been a great delight to God; for they were the best He ever planted."

awareness of the American public as a whole to the true nature of this condition and dispel the stubborn myths about the degree to which it is disabling.

Ante, p. 170.

The Congress, by Senate Joint Resolution 40, has designated the month of October 1985 as "National Down Syndrome Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of October 1985 as National Down Syndrome Month. I invite all concerned citizens, agencies and organizations to unite during October with appropriate observances and activities directed toward resolution of the condition of Down Syndrome and toward assisting affected individuals and their families to enjoy to the fullest the blessings of life.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5387 of October 11, 1985

National Lupus Awareness Week, 1985

*By the President of the United States of America
A Proclamation*

Systemic lupus erythematosus (also known as lupus or SLE) is a potentially serious, complicated, inflammatory connective tissue disease that can produce changes in the structure and function of the skin, joints, and internal organs. More than 500,000 Americans are estimated to have lupus; approximately 90 percent of these are women. One of the most frequent serious disorders of young women, lupus is characterized by periods when the disease is active alternating with periods of remission.

In recent years, the outlook for lupus patients has become progressively brighter as a result of advances from biomedical research. Positive findings have emerged from such diverse projects as studies of the immune system; research on genetic and environmental factors; investigations of hormonal effects; and evaluations of the course and treatment of the disease and its complications. The Federal government and private voluntary organizations have developed a strong and enduring partnership committed to research on lupus. Working together, our objective must be to eradicate lupus and its tragic consequences.

Ante, p. 178.

In order for us to take advantage of the knowledge already gained, to increase public awareness of the characteristics and treatment of lupus, and to point up the urgent need for continuing research, the Congress, by Senate Joint Resolution 57, has designated the week beginning October 20, 1985, through October 26, 1985, as "Lupus Awareness Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 20 through October 26, 1985, as Lupus Awareness Week. I urge the people of the United States and educa-

nal, philanthropic, scientific, medical, and health care organizations and professionals to observe this week with appropriate ceremonies and programs.

WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, in the year of our Lord nineteen hundred and eighty-five, and of Independence of the United States of America the two hundred and th.

RONALD REAGAN

Proclamation 5388 of October 11, 1985

Myasthenia Gravis Awareness Week, 1985

the President of the United States of America

Proclamation

Myasthenia gravis is a harrowing neuromuscular disorder that enfeebles as many as 250,000 of our citizens, most of them in their prime years. It debilitates strength and destroys vigor. Extreme muscle weakness and abnormal fatigue weigh down its victims, sapping their ability to stand, to walk, to pick up a glass and drink from it, and—in critical cases—even to breathe.

Myasthenia gravis can strike anyone at any time. While its exact cause is not known, scientists have found evidence that a chemical needed to stimulate muscle movement is somehow blocked, leaving muscles unable to contract. Such new knowledge suggests the possibility of one day preventing myasthenia gravis by replenishing the missing chemical and restoring the transmission of nerve impulses. To this end, scientists supported by the Federal government's National Institute of Neurological and Communicative Disorders and Stroke and by private voluntary groups—notably the Myasthenia Gravis Foundation, Inc., and the Muscular Dystrophy Association—are diligently investigating the basic neurological processes that underlie voluntary movement. Studies of immune system function are also underway to help scientists understand why myasthenia gravis patients seem more susceptible than others to infections.

Thanks to previous investigations, several drugs have been developed that can help many myasthenia gravis patients regain muscle strength and resume a fairly normal life. More research is needed, however, to find ways of liberating patients and their families from rigid medication schedules and from the side effects that accompany long-term drug use.

To acquaint the public with the tragedy of myasthenia gravis and the hope that research holds for eliminating this disorder, the Congress, by Senate Joint Resolution 183, has designated the week of October 6, 1985, through October 12, 1985, as "Myasthenia Gravis Awareness Week" and authorized me to request the President to issue a proclamation in observance of this week.

Ante, p. 517.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 6, 1985, as Myasthenia Gravis Awareness Week. I call upon all government agencies, health organizations, communications media, and people of the United States to observe this week with appropriate ceremonies and activities.

are also a great boon to man. Besides their beauty, they act as protectors of our drinking water and wildlife and provide us with abundant opportunities for recreation. They bring us cooling shade in summer and break icy winter winds.

America's forests also are an unparalleled resource. For the past three centuries they have contributed greatly to the economic and social development of our Nation. From our forests come the lumber we use to build our houses and the paper for the books, magazines, and newspapers we read. Though we may sometimes overlook the fact in this age of technological breakthroughs, wood is an enduring and invaluable part of our everyday lives.

Pennsylvania Dutch have a saying: "We don't inherit the land from our ancestors, we borrow it from our children." That is a profound insight we cannot afford to ignore. Fortunately, Americans have proven time and again that we see ourselves as the stewards of this abundant land of ours. We understand that we cannot take our forests for granted. From the time Gifford Pinchot, the Nation's first American-born trained forester, Americans have sought and found ways to insure the health and improve the management of our forests. Today, we have reached a point where the growth of our forests exceeds the harvest. This has come about thanks to the continuing efforts of our Nation's forestry and natural resource schools, hundreds of trained foresters, and other resource specialists, working with private firms and local, State, and Federal agencies such as the United States Forest Service.

Through the success of sustained-yield forestry, Americans can enjoy the splendor of our Nation's woodlands, as well as benefit from an abundant supply of the numerous products that come from trees. The forests provide a healthy environment for millions of people, and they afford a healthy environment for the young who take to the woods in their leisure time. Even though forests produce us with a variety of products today, we will still have—thanks to better management—millions of acres of forest as a living legacy for generations to come.

To promote greater awareness and appreciation of the manifold benefits of forest resources to our economy and the world economy, the Congress, by Public Law 86-753 (36 U.S.C. 163), has designated the week beginning on the third Sunday in October of each year as National Forest Products Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 20, 1985, as National Forest Products Week and request that all Americans express their appreciation for the Nation's forests through suitable activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5391 of October 15, 1985

Veterans Day, 1985

The President of the United States of America
Proclamation

Veterans Day is a special day for all Americans. It is a time to reflect on the many sacrifices and the great achievements of the brave men and women who have defended our freedom, and to salute them for their loyal and valiant service.

The blessings of liberty which our ancestors secured for us, and which we still enjoy, are ours only because, in each generation, there have been men and women willing to bear the hardships and sacrifices of serving in the military forces we need to preserve our freedom.

These fine men and women have not sought glory for themselves, but peace and freedom for all. They exemplify the spirit that has preserved us as a great Nation, and they deserve our recognition for everything they have done. With a spirit of pride and gratitude, we honor and remember our veterans today.

I urge all Americans to recognize the valor and sacrifice of our veterans through appropriate public ceremonies and private prayers. I urge the families and friends of our sick and disabled veterans to visit them and extend to them a grateful Nation's promise that they will not be forgotten. I ask all Americans, whether or not a family member or friend is a veteran, to find ways to pay a special sign of respect to a veteran in their community on this day.

I also call upon Federal, State, and local government officials to display the flag of the United States and to encourage and participate in patriotic activities throughout the country. I invite the business community, churches, schools, unions, civic and fraternal organizations, and the media to support the national observance with suitable commemorative expressions and programs.

In order that we may pay meaningful tribute to those men and women who proudly served in our Armed Forces, Congress has provided (5 U.S.C. 6103(a)) that November 11 shall be set aside each year as a legal public holiday to honor America's veterans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby invite the American people to join with me in a fitting salute on Veterans Day, 1985, Monday, November 11, 1985. Let us resolve anew to keep faith with those whose love of country has placed their names on a well-deserved roll of honor.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5392 of October 15, 1985

OPERATION: Care and Share, 1985

*By the President of the United States of America
A Proclamation*

Since the days of our Founding Fathers, the American people have banded together to meet the needs of their communities. This spirit of neighbor helping neighbor is one of the Nation's finest traditions. Generosity and awareness of community needs are traits that have kept our country strong. Voluntary service remains as important today as it was in earlier decades, and personal involvement lends a warmth to giving and sharing that no government or institution by itself can.

ring the holiday season, I call upon all Americans to join in partnership with others to help provide food for those who are in need. The agriculture and food industries, churches, civic and fraternal organizations, corporations, and nonprofit groups can each play a vital role in reaching out to their fellow Americans. Let the caring and sharing that stems from private sector initiatives reach out across this great land of ours like the warming rays of dawn and bring to all the blessings of compassion and goodwill, to those who give as much as to those who receive.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the forthcoming holiday season to be a time in which partnerships are forged under OPERATION: Care and Share. Further, I proclaim that November 25, 1985, should be a day upon which each of us should focus upon our fellow citizens and collect and distribute aid to those in need.

WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and thirtieth.

RONALD REAGAN

Proclamation 5393 of October 16, 1985

World Food Day, 1985

the President of the United States of America

Proclamation

One of the most encouraging results of World Food Day, which the Food and Agriculture Organization (FAO) of the United Nations inaugurated in 1979, has been the rising tempo of public interest in the world food situation. Last year in the United States alone, millions of people in more than 100 communities participated in a wide variety of World Food Day activities.

But even this great outpouring paled before the American response to the terrible famine in Africa, especially in Ethiopia and Sudan.

For many years, the United States has shared its agricultural abundance and technical expertise with nations in need. We have led the effort to alleviate world hunger. Yet it is clear that charitable assistance in the form of emergency food deliveries, no matter how extensive, treats only the symptoms of malnourishment, not the causes.

The persistent problem of underfed people has deep roots that unfortunately are too often nourished by government policies that discourage economic growth and progress, put obstacles in the way of international trade, and inhibit a free market system. Governments dictate urban food prices at the expense of farmer income, and the farmer's judgement on the type of crops to plant and harvest is ignored.

Although some American farmers have recently suffered economic reverses, this Nation has not wavered in its commitment to aid the developing nations of the world to improve their agricultural methods and to provide food relief during emergencies. Our assistance has paid dividends to the recipient countries. Since 1954, when the Eisenhower Food For Peace program

was adopted by the United States, food production per person has increased an average of 21 percent in the developing countries. Food consumption in the same areas has increased an average of 7.5 percent per person since 1963. We are especially proud that America has taken the lead in the promotion and distribution of oral rehydration therapy. This simple technology saved the lives of half a million children around the world last year.

Ante, p. 515.

In recognition of the continuing problem and of the need to continue focusing public awareness on means to alleviate world hunger, the Congress, by Senate Joint Resolution 72, has designated October 16, 1985, as "World Food Day" and authorized and requested the President to issue a proclamation in observance of that day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 16, 1985, as World Food Day, and I call upon the people of the United States to observe that day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5394 of October 17, 1985

National High-Tech Month, 1985

By the President of the United States of America
A Proclamation

National High-Tech Month provides an opportunity for all Americans to learn how technological advances contribute to our economic growth and rising standard of living and to reaffirm our national commitment to maintain the leadership of the United States in high-technology development. Technology is crucial to our physical well-being, a strong national defense, and economic growth. It is transforming not just industry, but medicine, agriculture, education, communications—indeed, virtually every field of human endeavor.

History has demonstrated that progress in technology is essential to maintaining competitiveness, creating new products, and improving productivity. Enhanced productivity lowers unit costs, thereby increasing profits and allowing industries to reduce prices and capture a larger share of the market. Technology-induced productivity gains help hold down inflation, make American products more competitive in world markets, and raise our standard of living.

I am calling upon all Americans to open themselves to the opportunities presented by the incorporation of technology into their lives and livelihoods. First, government policies should not penalize but rather improve incentives for the entrepreneurial development of new technology so critical to maintaining industrial leadership. Second, American business should redouble its efforts to channel investment into promising research and development projects. Third, American labor and management must recognize

welcome the opportunities provided in a high-technological economy, actively cooperate in adapting to the changing work environment, and sharing themselves of the benefits to their working lives that will come from enhanced productivity and innovation.

Finally, we must pay attention to the education of American youth—education that will give them the skills and insights they need to grow and develop in a high-technology future. School systems from the elementary level to graduate school must conscientiously seek opportunities to educate our young people about the benefits of technology and to encourage development of the basic knowledge our citizens will require if they are to function successfully in tomorrow's world.

In recognition of the importance of high technology to our lives, the Congress, by House Joint Resolution 128, has designated the month of October 1985 as "National High-Tech Month" and authorized and requested the President to issue a proclamation in observance of this event.

Ante, p. 459.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of October 1985 as National High-Tech Month, and I request all Federal, State, and local officials to cooperate in its observance.

WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred tenth.

RONALD REAGAN

Proclamation 5395 of October 18, 1985

National CPR Awareness Week, 1985

*By the President of the United States of America
Proclamation*

Heart attack is the number one cause of sudden death in the United States. More than a million and a half Americans will experience heart attacks this year, of which over a half million will be fatal. We are making progress: Mortality from heart attacks has declined significantly over the past decade. But since heart attacks remain by far the leading cause of death in America, much remains to be done.

Heart attacks sometimes cause the heart to stop pumping, and cardiopulmonary resuscitation (CPR) then becomes a critical and potentially lifesaving first-aid procedure. Trained individuals applying CPR can often preserve the life of a heart attack victim until proper medical care can be obtained. Tens of thousands of Americans who have had heart attacks are leading productive lives today only because someone trained in CPR quickly and effectively applied this life-saving technique.

Cardiopulmonary resuscitation may also be life-saving first aid for other conditions that cause sudden cessation of the heartbeat or cut off the delivery of oxygen into the lungs. Medical authorities are in agreement that a person adequately trained in CPR can make all the difference between life and death in many emergencies. But they stress that CPR is effective only when employed by people who are properly trained.

Because of the effectiveness of CPR, the number of sudden deaths from heart attacks and other emergencies could be reduced still further if more Americans were trained in this procedure. Facilities for CPR training are widespread, and I am pleased to acknowledge the contribution by those who train others. I urge all qualified Americans to take advantage of this training and to become certified in the use of CPR. This could be a life-saving decision.

Ante, p. 520.

To reinforce this message and to increase awareness among all Americans that people trained in CPR can be an effective means of reducing mortality from heart attacks, the Congress, by Senate Joint Resolution 175, has designated the week beginning October 20 through October 26, 1985, as "National CPR Awareness Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of October 20 through October 26, 1985, as National CPR Awareness Week. I invite the Governors of the States, the Commonwealth of Puerto Rico, the officials of other areas subject to the jurisdiction of the United States, and the American people to join with me in acknowledging the benefits of this valuable life-saving technique and to undergo training in its use.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5396 of October 23, 1985

A Time of Remembrance, 1985

*By the President of the United States of America
A Proclamation*

The problem of terrorism has become an international concern that knows no boundaries—religious, racial, political, or national. Thousands of men, women, and children have died at the hands of terrorists in nations around the world, and the lives of many more have been blighted by the fear and grief that terrorist attacks have caused to peace-loving peoples. Today, unfortunately, terrorism continues to claim many innocent lives.

Recent events in the Middle East, including the piratic seizure of the ACHILLE LAURO and the brutal murder of Leon Klinghoffer, only serve to remind us of the intolerable threat from terrorists. All Americans share the sorrow of the families of their victims, and we are determined that those responsible be brought to justice.

October 23 is the second anniversary of the date on which the largest number of Americans was killed in a single act of terrorism—the bombing of the United States compound in Beirut, Lebanon on October 23, 1983, in which 241 United States servicemen lost their lives. These brave soldiers died defending our cherished ideals of freedom and peace. It is appropriate that we honor these men and all other victims of terrorism. Let us also offer our profound condolences to the families and friends of the victims of these unprovoked and contemptible acts of violence.

PROCLAMATION 5397—OCT. 28, 1985

99 STAT. 2107

Congress, by Senate Joint Resolution 104, has designated October 23, 1985, as "A Time of Remembrance" and authorized and requested the President to issue a proclamation in observance of this event. *Ante*, p. 555.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 23, 1985, as A Time of Remembrance. I urge all Americans to take time to reflect on the sacrifices that have been made in the pursuit of peace and freedom.

WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5397 of October 28, 1985

National Hospice Month, 1985

By the President of the United States of America
Proclamation

Hospices play an important role in our national medical care system. Terminally ill hospice patients receive expert medical care while they and their families can develop essential emotional and spiritual support.

Hospices have shown their ability to provide appropriate, competent, and compassionate care. Under the hospice concept, each program has a team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and community volunteers—all trained to assist the terminally ill. The team works together to care for patients and their families, especially helping them to cope with their pain and grief.

Hospices are rapidly becoming full partners in our health care system. In November 1983, hospice care benefits became available to people under Medicare. Many private insurance carriers and employers have also recognized the value of hospice care and included hospice benefits in their health care plans.

The Congress, by Senate Joint Resolution 155, has designated the month of November 1985 as "National Hospice Month" and authorized and requested the President to issue a proclamation in observance of this event. *Ante*, p. 519.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the month of November 1985 as National Hospice Month, and I direct the appropriate government officials, all citizens, and interested organizations and associations to observe this month with activities that recognize this important event.

WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5398 of October 28, 1985**National Farm-City Week, 1985**

By the President of the United States of America

A Proclamation

American farmers are the most productive in the world. But without farm machinery, fuel, electric power, chemical products, and other supplies from industry, our farms could never have achieved this remarkable level of efficiency.

American consumers have the widest variety and the most plentiful supply of food and fiber products that can be found anywhere. But without adequate transportation, processing, and marketing, our consumers could not reap the full benefits of our bounteous farms, orchards, and ranches.

It is the successful synergism of farms, towns, cities, industry, and business that makes the United States a cornucopia for its own citizens, able to share its superabundance with a world where large regions suffer from critical shortages of food, often because of policies that discourage initiative and thwart progress.

To arrive at a better appreciation of how our American system works—with its cooperation between farm workers and city workers—we set aside in each November a Farm-City Week. During this time we seek to highlight the contributions that farmers and city dwellers, working together, make to the bounty, vitality, and strength of our Nation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning November 22, 1985, through November 28, 1985, as National Farm-City Week. I call upon all Americans, in rural areas and in cities alike, to join in recognizing the accomplishments of our productive farmers and of our urban residents in working together in a spirit of cooperation and interdependence to create abundance, wealth, and strength for the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5399 of October 28, 1985**National Family Week, 1985**

By the President of the United States of America

A Proclamation

America's families are America's greatest strength. Just as American society is more than the sum of its parts, families are more than just collections of individuals.

It is within the family that we first gain an understanding of who we are; that we learn to give and receive love; that we learn to respect the individuality of others; that we grow to be strong, healthy adults able to take our

place in the larger families of community, country, and the world. Through the family we pass on our traditions, our rituals, and our values. From our families we receive the love, encouragement, and education needed to meet life's challenges. Family life also provides a stimulus for the spiritual growth that fosters probity of character, generosity of spirit, and responsible citizenship.

It is important that we dedicate ourselves to the promotion of strong families for, with their strength, commitment, and loyalty, they form the hearth and heart of our national life. As an eminent American educator has wisely observed: "The security and elevation of the family and of family life are the prime objects of civilization, and the ultimate ends of all industry." Special concern is due to troubled families, for we recognize that any chain is only as strong as its weakest link. At their best, strong families are small communities of love. Let us help them prosper.

National Family Week gives us a chance to honor all families and especially to honor those Americans who have extended the love and support of their families to a child through adoption or foster care. By giving the shelter of their loving arms to such a child on a temporary or permanent basis, these Americans demonstrate in a special way the unconditional love that only families can provide.

The Congress, by Senate Joint Resolution 31, has designated the week of November 24 through 30, 1985, as "National Family Week" and authorized and requested the President to issue a proclamation in observance of this week.

Ante, p. 458.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 24 through November 30, 1985, as National Family Week. I invite the Governors of the several States, the chief officials of local governments, the leaders in industry, and all Americans to observe this week with appropriate ceremonies and activities. As we celebrate this Thanksgiving Week, I also invite all Americans to give thanks for the many blessings that they have derived from their family relationships and to reflect upon the importance of maintaining strong families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5400 of October 28, 1985

Centennial Year of Liberty in the United States

By the President of the United States of America
A Proclamation

She remains a Wonder of the World—an uncanny fusion of art and engineering. She is the result of a unique collaboration between two freedom-loving Frenchmen with a profound affection for America: a great sculptor, Frederic-Auguste Bartholdi, and the greatest structural engineer of his time, Alexandre Gustave Eiffel. Next year she will be 100 years old.

Nineteen hundred and eighty-six marks the Centennial of the Statue of Liberty. Originally called "Liberty Enlightening the World," the Statue was a generous gift from the people of France to the people of the United States. It represents the close and cordial relationship that traditionally has existed between our countries and our common devotion to freedom and democracy.

She rises majestically 151 feet above the magnificent base designed by Richard M. Hunt, the preeminent American architect. But she is much more than her awesome dimensions and her physical splendor. For millions of anxious immigrants, the forebears of countless millions of today's Americans, she was the first glimpse of America. She was assurance of journey's end, safe harbor reached at last, and the beginning of a new adventure in a free and blessed land. For them she was a dream come true, the Lady with the Lamp, a warm welcome to a new world and a new life.

The gifted American poet Emma Lazarus, hailing her as the "New Colossus," put the message of the Statue of Liberty in unforgettable words:

Keep ancient lands, your storied pomp . . .
Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost, to me.
I lift my lamp beside the Golden Door.

Since its dedication on October 28, 1886, the Statue of Liberty has held high the beacon of freedom, hope, and opportunity to welcome millions of immigrants and visitors from foreign lands. From that time she has been one of the proudest symbols of the American ideal of liberty and justice for all.

Today, the Statue of Liberty and nearby Ellis Island are being restored from the ravages of time and weather by the Statue of Liberty-Ellis Island Centennial Foundation, Inc.

The United States will celebrate the one hundredth anniversary of the Statue of Liberty through commemorative events scheduled to take place during the Fourth of July Weekend in 1986 and on October 28, 1986.

Ante, p. 559.

In recognition of the importance of the Statue of Liberty to the American people, the Congress, by House Joint Resolution 407, has designated the twelve-month period ending on October 28, 1986, as the "Centennial Year of Liberty in the United States" and authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the twelve-month period ending on October 28, 1986, as the Centennial Year of Liberty in the United States, and I call upon the people of the United States to observe this year with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5401 of October 28, 1985

**National Sudden Infant Death Syndrome Awareness Month,
1985**

*By the President of the United States of America
in Proclamation*

Sudden Infant Death Syndrome (SIDS), the sudden and unexpected death of apparently healthy babies, is the major cause of death of infants between the ages of one month and one year. Between 5,000 and 6,000 babies die of SIDS annually in the United States. Most die unobserved in their sleep. Despite two decades of aggressive biomedical and behavioral research, supported in large part by the Federal government, the exact cause of SIDS remains elusive. From what we have learned through research, choking, neglect, infection, and heredity have been ruled out as probable causes, and today the syndrome is attributed to a combination of subtle physiological deficiencies in the infant.

The parents and families of SIDS victims frequently experience intense and traumatic grief, often accompanied by unwarranted feelings of guilt that may result in psychosocial and even physical problems. It is extremely important that the facts about SIDS be widely disseminated and understood in order to banish myths and misconceptions. By working together, parents, schools, private and voluntary organizations, and government at all levels can bring about a greater public understanding of this tragic syndrome.

The Congress, by House Joint Resolution 322, has designated the month of October 1985, as "National Sudden Infant Death Syndrome Awareness Month" and authorized and requested the President to issue a proclamation observance of this event. *Ante*, p. 561.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of October 1985, as National Sudden Infant Death Syndrome Awareness Month.

WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5402 of October 30, 1985

National Foster Grandparent Month, 1985

*By the President of the United States of America
in Proclamation*

This year, we celebrate the 20th Anniversary of the Foster Grandparent Program. In its first year of operation, 782 foster grandparents carried out 33 projects in 27 States. Today, some 19,000 foster grandparents are serving the 65,000 children through 245 projects in all 50 States, Puerto Rico, the Virgin Islands, and the District of Columbia. The program, which has achieved both great success and great acceptance, is administered by ACTION, a Federal agency that promotes voluntarism.

Most of us have been fortunate enough to have enjoyed a very special relationship with our grandparents. They were the living bridge to the past. They handed down to us the hard-won lessons they had learned from life and the wisdom they had received from their own grandparents. They provided us with the patient, unquestioning love and understanding that gave us the strength to face the future with confidence and hope.

Today, the elderly and retired participants in the Foster Grandparent Program provide unique, personal guidance and care to tens of thousands of physically, emotionally, and mentally handicapped children as well as those who have been abused, neglected, or who are in the juvenile justice system, or in need of other special help.

Love is the only thing we have more of the more we give it away. And these volunteers who give of themselves, of their wisdom, and of their time, reap rich benefits. They rejoice in a newfound independence. Their loneliness and fear of isolation disappear. In many cases, their health improves. Their sense of self-worth is enhanced as they find themselves deeply involved with others who depend on them. They experience a new fulfillment in performing a much-needed community service which taps all their reserves of understanding, creativity, and warmth.

The children in the program blossom under the golden glow of counsel and caring that foster grandparents bring into their lives. This program has truly worked wonders for hearts young and old.

I urge all Americans to join me in applauding the activities of these foster grandparent volunteers. Their service encourages positive attitudes about the abilities of the elderly. It demonstrates how greatly society benefits when it calls on the experience and seasoned judgment of older persons.

Ante, p. 553.

The Congress, by Senate Joint Resolution 92, has designated the month of October 1985 as "National Foster Grandparent Month" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of October 1985 as National Foster Grandparent Month. I invite all citizens and appropriate agencies and organizations to unite during October with appropriate observances and activities to honor these volunteers and the children they serve.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5403 of October 30, 1985

American Education Week, 1985

*By the President of the United States of America
A Proclamation*

From their very beginnings, the colonies that later were to form the United States of America set great store by the education of the young, and with the birth of the New Nation this commitment to education deepened. Our Founding Fathers shared the insight of an ancient sage that "only the educated are free," and they took to heart the inspired maxim that it is the

truth which sets us free. To them it was clear that since here the people would rule, the people must have the means to understand the issues and to make wise decisions. As James Madison put it: "On the diffusion of education among the people rest the preservation and perpetuation of our free institutions."

American Education Week offers all Americans an invitation to reflect on the importance of education to our Nation, not only to its prosperity but to the proper functioning of our whole system of government. It invites each of us to play a part in the national commitment to sound education and to the constant striving to improve the institutions that provide education at every level, from pre-school through graduate school. American Education Week is a time for all Americans to seek to do something to further the cause of education—whether by involvement in parent-teacher groups, contributions to private educational institutions, serving on local school boards, participation in adult education programs, furthering the utilization of libraries and museums, or any similar activity. For educators it is a time to rededicate themselves to what is surely one of the noblest of callings; and to students it is a challenge to make the best use of the manifold educational opportunities this country offers.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning November 17, 1985, and the first full week preceding the fourth Thursday of November of each succeeding year, as American Education Week, and to observe this time with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5404 of November 5, 1985

National Drug Abuse Education Week, 1985

By the President of the United States of America

A Proclamation

Only a decade ago, many people believed that drug abuse was an insurmountable problem. Throughout America, parents, educators, law enforcement officials, and other community leaders are proving that the fight against drugs can be won. Law enforcement and international cooperation are reducing the availability and supply of illegal drugs. Research and experience have given us new insight into the causes and treatment of drug and alcohol abuse. Most important, Americans have changed their attitudes toward both drugs and drug users. Negative attitudes have been replaced with understanding, and drug abuse is seen for what it really is: destructive to life's potential and a tragic waste of health and opportunity.

We have developed a sense of responsibility, collectively and individually. Today, we hold the key to creating a drug-free society: prevention of drug abuse through awareness and education.

Many people have contributed to this improved situation. During the past four years, all segments of American society have worked together to stop

drug abuse among our young and have brought about new laws and public policies. Young people everywhere are moving away from drug-taking behavior and embracing positive goals such as excellence in education, physical fitness, and personal integrity.

Parents have banded together, and young people are receiving strong support for behavior that is anti-drug, pro-achievement, and that recognizes individual responsibility. These efforts are creating an environment that nurtures our Nation's greatest asset—our children.

But while much has been done, we cannot let up on our efforts against illicit drugs and those who would profit from the havoc they wreak.

We must continue to work together to address drug and alcohol problems in our homes and families. We must carry these concerns into our schools, churches, workplaces, and community life. By heightening awareness, we can gather the moral strength to do what is right and channel it into effective measures against this menace.

ate, p. 581.

To encourage widespread participation in efforts directed at preventing drug abuse, the Congress, by House Joint Resolution 126, has designated the week of November 3 through November 9, 1985, as "National Drug Abuse Education Week" and authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 3 through November 9, 1985, as National Drug Abuse Education Week. I call upon all Americans to join me in observing this week with personal dedication and a public commitment to protect the future of our Nation by eliminating drug abuse.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5405 of November 8, 1985

National Alzheimer's Disease Month, 1985

By the President of the United States of America

A Proclamation

For more than two million Americans with Alzheimer's disease, each day is fraught with fear and frustration. Fear of getting lost in one's own neighborhood; of not recognizing members of one's immediate family; of not being able to perform simple, familiar chores. For the victims of this disease, tying shoes or setting a table can be overwhelming tasks. As our elderly population grows, more and more people will be affected by this malady.

Alzheimer's disease is the major cause of the confusion, erratic behavior, and forgetfulness once believed to be a "normal" part of old age. This "senility" is actually the result of the destruction of certain brain cells.

As the afflicted person loses the ability to function intellectually, the family faces growing emotional, physical, and financial burdens. Eventually, many victims require specialized professional care. Fifty percent of all nursing home residents in America suffer from Alzheimer's disease or other serious, irreversible forms of dementia.

The medical research community is focusing special attention on Alzheimer's disease in an effort to discover its causes and develop effective treatments. Recently, a Department of Health and Human Services task force examined the current state of medical knowledge of Alzheimer's disease and recommended future research directions. Organizations leading this research include the National Institute of Neurological and Communicative Disorders and Stroke; the National Institute on Aging; the National Institute of Mental Health; and the National Institute of Allergy and Infectious Diseases. For Alzheimer's patients and their families, this intensive research is the greatest source of hope.

Until a way to prevent Alzheimer's disease is found, these families need support and understanding. I commend the superb services provided by voluntary health organizations, notably the Alzheimer's Disease and Related Disorders Association.

To enhance public awareness of Alzheimer's disease, the Congress, by Senate Joint Resolution 65, has designated the month of November 1985 as "National Alzheimer's Disease Month" and authorized and requested the President to issue a proclamation in observance of this month.

Ante, p. 69.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1985 as National Alzheimer's Disease Month, and I call upon the people of the United States to observe that month with appropriate observances and activities.

WITNESS WHEREOF, I have hereunto set my hand this 8th day of November, the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5406 of November 11, 1985

National Reye's Syndrome Week, 1985

the President of the United States of America
Proclamation

There is a potentially deadly disorder that affects our children called Reye's Syndrome. It is one of the top ten killers among all diseases affecting young people aged one to ten. Each year in the United States, a number of healthy children under age nineteen are afflicted with Reye's Syndrome, and many victims die or become crippled within several days.

Doctors did not recognize Reye's Syndrome as a specific illness until 1963, and they still do not know what causes it or how to prevent it. Diligent research has identified its symptoms: severe vomiting, delirium, lethargy, unusual sleepiness, and belligerence. During last winter's flu season, only 171 cases of Reye's Syndrome were reported in the United States, down from the 422 cases reported as recently as 1980. A variety of factors have contributed to this sharp decline, which is an encouraging chapter in the annals of American medicine. Experience has taught us that quick medical intervention usually can avert death or disability.

Much more remains to be learned. Federal scientists, supported by the National Institute of Neurological and Communicative Disorders and Stroke and other units of the National Institutes of Health such as the National Institute of Allergy and Infectious Diseases, the National Institute of Child Health and Human Development, and the National Institute of Arthritis, Di-

abetes, and Digestive and Kidney Diseases, are untiring in their efforts to understand this lethal disorder. They are assisted in this endeavor by their Federal colleagues at the Food and Drug Administration and Centers for Disease Control, who monitor the occurrence of Reye's Syndrome throughout the country.

In recent years, the medical community and groups of concerned citizens have brought Reye's Syndrome into the public eye. Volunteer organizations such as the American Reye's Syndrome Association and the National Reye's Syndrome Foundation have launched effective public education campaigns. We must build upon these efforts to acquaint all parents and medical professionals with the dangers of this illness. We must stimulate further scientific investigation of the origin of this enigmatic killer in the biomedical research arena, where our greatest hope of conquering this disease lies.

Ante, p. 784.

To focus public and professional attention on the seriousness of Reye's Syndrome, the Congress, by Senate Joint Resolution 29, has designated the week of November 11 through November 17, 1985, as "National Reye's Syndrome Week" and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 11 through 17, 1985, as National Reye's Syndrome Week. I call upon all government agencies, health organizations, communications media, and people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5407 of November 12, 1985

High Blood Pressure Awareness Week, 1985

By the President of the United States of America

A Proclamation

High blood pressure is a disease that affects as many as 60 million Americans and is a major contributing factor in 1.25 million heart attacks and half a million strokes that take place every year in the United States. More than half a million of those who have a heart attack will die this year, and the economic cost to the Nation in direct medical costs, lost work days, and lost production is estimated to be in excess of ten billion dollars annually.

There are many encouraging signs that we are making progress in bringing this disease under control. The death rates from heart attacks and stroke have been declining dramatically over the past decade and more. From 1972 to 1984, for example, the death rate for heart attack dropped by 33 percent, and for stroke by 48 percent.

At least one of the factors responsible for this decline is an enhanced awareness among the medical profession and the public of the dangers of high blood pressure and the steps that must be taken to control it. This growing awareness has been brought about with the assistance of the Na-

al High Blood Pressure Education Program, a coordinated effort involving the Federal government; community volunteer organizations; medical associations; industry and labor; State and local public health agencies, and many other groups. Since the program began in 1972, public understanding of high blood pressure, the number of people being treated, and the number of those effectively controlling their high blood pressure has increased considerably.

en called the "silent killer" because it usually has no easily detectable symptoms, high blood pressure is an insidious condition that may lead to heart attack, stroke, or kidney damage. It is one of three major risk factors, along with cigarette smoking and elevated blood cholesterol, for cardiovascular diseases. All of these factors can be controlled or eliminated.

h blood pressure can be detected using the familiar inflatable arm cuff and stethoscope. The test takes only a few moments and is painless. Once detected, high blood pressure can be very effectively controlled. Sometimes it can be accomplished by such measures as weight loss, salt restriction, and exercise. When these do not work, the physician can select an appropriate treatment program from a wide range of drug therapies.

ge all Americans to take advantage of the high blood pressure screening activities in their communities, their work places, and their public health facilities. They should ask their physicians how often they should have a blood pressure check. All Americans should be aware of the dangers of this widespread condition and they should also know that these dangers can be eliminated by proven methods.

stimulate awareness among Americans of the importance of having their blood pressure measured, the Congress, by Senate Joint Resolution 130, has designated the week beginning November 10, 1985, as "High Blood Pressure Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

Ante, p. 786.

W, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning November 10, 1985, as High Blood Pressure Awareness Week. I invite the American people to join with me in reaffirming our commitment to the resolution of the problem of high blood pressure.

WITNESS WHEREOF, I have hereunto set my hand this 12th day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5408 of November 13, 1985

National Diabetes Month, 1985

the President of the United States of America
Proclamation

Each year, an estimated 500,000 more Americans are told by their physicians that they have diabetes. This chronic disease interferes with the body's ability to derive energy from glucose, a type of sugar and an impor-

tant product of digested food. When diabetes strikes children, it is in a form that can soon be fatal without daily injections of the life-saving hormone insulin. Most people with diabetes have another form of the disease that begins in adulthood and that, over the years, can insidiously and progressively damage the heart, eyes, kidneys, and nervous system.

The acute illness and long-term complications of diabetes cost the country an estimated \$14 billion each year in medical outlays, disability payments, and loss of income. Individuals and families suffer an inestimable drain on their emotional and economic resources in coping with this disease.

Hope for the future lies in research. In recent years, scientists have laid the groundwork for an eventual cure for diabetes. Basic research has provided the tools with which scientists are describing the genetic, immunologic and biochemical mechanisms that underlie diabetes. Through research, we now know that diabetes has multiple causes, and scientists are developing the means to understand and correct these defects in ways specific to each cause. Research is also clarifying how best to treat diabetes. This research, along with efforts to transmit the most up-to-the-minute knowledge to health practitioners and to individuals who might be affected by diabetes, is helping to preserve the health of its potential victims.

Only through the continued commitment and cooperation of the Federal government, the scientific community, and the private agencies and citizens dedicated to the fight against diabetes can progress continue.

Ante, p. 580.

To increase public awareness of diabetes and to emphasize the need for continued research and educational efforts aimed at controlling and one day curing this disease, the Congress, by Senate Joint Resolution 145, has designated the month of November 1985 as "National Diabetes Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1985 as National Diabetes Month. I call upon all government agencies and the people of the United States to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5409 of November 13, 1985

National Women Veterans Recognition Week, 1985

By the President of the United States of America

A Proclamation

We Americans are justly indebted to all who have served in uniform in the cause of our national defense. It is an honor for me to invite special attention to the unique contributions made to that cause by women veterans.

Throughout our Nation's history, American women have answered duty's call, even when that call exacted a great price. Many women have become

casualties in their country's service, and countless more have suffered family disruptions and dislocations caused by commitments to the armed services.

The nearly 1.2 million women veterans living in the United States today have contributed immeasurably to restoring and maintaining the peace. Their performance in a wide range of demanding specialties in all branches of service has been in the proudest traditions of our Armed Forces, and it is together fitting that we as a Nation pause to express our appreciation.

The Congress, by Senate Joint Resolution 47, has designated the week beginning November 10, 1985, as "National Women Veterans Recognition Week" and authorized and requested the President to issue a proclamation of observance of that week.

Ante, p. 810.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning November 10, 1985, as National Women Veterans Recognition Week. I call upon the American people, the Federal government, and State and local governments to celebrate this week with appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5410 of November 15, 1985

Eugene Ormandy Appreciation Day, 1985

By the President of the United States of America

Proclamation

Eugene Ormandy was a consummate musician and a masterly conductor, as well as a father figure and an inspiration to generations of gifted American musicians.

As music director of the Philadelphia Orchestra for 44 years, he brought that ensemble to a point of such polish and perfection that many esteemed it the very greatest in the world. No one could mistake the "Philadelphia sound," a perfectly pitched and artfully blended miracle of sonorities that was at once lush and supple. Virgil Thomson, the noted critic, has described Ormandy's goal as "beauty of sound and virtuosity of execution . . . at the service of the music in complete humility."

Maestro Ormandy achieved that goal by dint of patience, persuasion, and example. He persuaded his musicians to do it his way without taunts or tantrums. They knew how much he loved the music, how much he loved the audiences, and how much he loved them. They could not fail him—they did not. And he never stinted in giving his musicians the credit. "They play," he said once "as one great Stradivarius, not as individual musicians."

His was an accurate description and a supreme tribute from a child prodigy whose musical genius first found expression on the violin—at the age of three! Born in Budapest on November 18, 1899, Eugene Ormandy came to the United States in 1921. His first job was as a violinist with the orchestra of the Capitol motion picture theater in New York City. Soon he became its conductor. Then, after a brief stint with the Minneapolis Symphony, Or-

mandy succeeded the legendary Leopold Stokowski as director of the Philadelphia Orchestra. It would be his true home for the rest of his life. Under the magic of his baton, conductor and orchestra entered the musical pantheon of the United States and of the world.

Eugene Ormandy brought widespread acclaim to his adopted nation, which he loved with the passion of a patriot. He served as an ambassador of goodwill through the Philadelphia Orchestra's tours of China, the Soviet Union, South America, Europe, and Japan.

Ante, p. 938.

To commemorate these magnificent and enduring contributions of Eugene Ormandy to the rich cultural traditions of the United States, the Congress, by Senate Joint Resolution 174, has authorized and requested the President to declare the anniversary of the birth of Eugene Ormandy as "Eugene Ormandy Appreciation Day" and called upon the American people to observe the day with appropriate ceremonies.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby declare November 18, 1985, Eugene Ormandy Appreciation Day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5411 of November 15, 1985

National Adoption Week, 1985

*By the President of the United States of America
A Proclamation*

The basic unit of our society is the family. Families transmit the values and traditions of the past. They are the primary civilizing agent, preparing the young for good citizenship. It is, therefore, fitting that we give special recognition to those generous families that encourage and take part in adoption.

Children who live in a permanent home with caring adoptive parents are far less likely to develop emotional and psychological problems. We must encourage the effort to promote the adoption of all children without families—with particular emphasis on those who are older, handicapped, or members of minority groups. Whenever possible, the adoption process should work to keep siblings together as they are placed in new families.

Through promotional efforts in the workplace and through inclusion of adoption benefits in employee benefit plans, the American corporate sector has been supporting the adoption of children with special needs. Furthermore, through the Adoption Assistance and Child Welfare Act, many children with special needs have been adopted who otherwise might not have been.

National Adoption Week should remind us that no woman need fear that the child she carries is unwanted. It is a sad paradox that while thousands of American couples desperately desire to adopt a baby, many women who undergo abortions every year in the United States are unaware of all the couples eager to share their home with a newborn and to give that child all

love and care they would give if they had been its natural parents. Adoption is an alternative that provides family life for children who cannot live with their biological parents, and it is especially fitting that at Thanksgiving time we emphasize the importance of family life through the observance of National Adoption Week.

This week provides an opportunity to reaffirm our commitment to give every child waiting to be adopted the chance to become part of a family. During this holiday season, let us work to encourage community acceptance and support for adoption, and take time to recognize the efforts of adoptive parent groups, companies, organizations, and agencies that assure adoptive placements for waiting children. We also pay tribute to those magnanimous people who have opened their homes and hearts to children, forming the bonds of love that we call the family.

The Congress, by Senate Joint Resolution 51, has designated the week of November 24 through November 30, 1985, as "National Adoption Week" and has authorized and requested the President to issue a proclamation in observance of this week.

Ante, p. 812.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 24 through November 30, 1985, as National Adoption Week, and I call on all Americans and governmental and private agencies to observe the week with appropriate activities.

WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

Proclamation 5412 of November 15, 1985

Thanksgiving Day, 1985

*By the President of the United States of America
Proclamation*

Although the time and date of the first American thanksgiving observance may be uncertain, there is no question but that this treasured custom derives from our Judeo-Christian heritage. "Unto Thee, O God, do we give thanks," the Psalmist sang, praising God not only for the "wondrous works" of His creation, but for loving guidance and deliverance from dangers.

The band of settlers arriving in Maine in 1607 held a service of thanks for their safe journey, and twelve years later settlers in Virginia set aside a day of thanksgiving for their survival. In 1621 Governor William Bradford related the most famous of all such observances at Plymouth Colony when the bounteous harvest prompted him to proclaim a special day "to render thanksgiving to the Almighty God for all His blessings." The Spaniards in California and the Dutch in New Amsterdam also held services to give public thanks to God.

In 1777, during our War of Independence, the Continental Congress set aside a day for thanksgiving and praise for our victory at the battle of Saratoga. It was the first time all the colonies took part in such an event on the same day. The following year, upon news that France was coming to our

aid, George Washington at Valley Forge prescribed a special day of thanksgiving. Later, as our first President, he responded to a Congressional petition by declaring Thursday, November 26, 1789, the first Thanksgiving Day of the United States of America.

Although there were many state and national thanksgiving days proclaimed in the ensuing years, it was the tireless crusade of one woman, Sarah Josepha Hale, that finally led to the establishment of this beautiful feast as an annual nationwide observance. Her editorials so touched the heart of Abraham Lincoln that in 1863—even in the midst of the Civil War—he enjoined his countrymen to be mindful of their many blessings, cautioning them not to forget “the source from which they come,” that they are “the gracious gifts of the Most High God. . .” Who ought to be thanked “with one heart and one voice by the whole American People.”

It is in that spirit that I now invite all Americans to take part again in this beautiful tradition with its roots deep in our history and deeper still in our hearts. We manifest our gratitude to God for the many blessings he has showered upon our land and upon its people.

In this season of Thanksgiving we are grateful for our abundant harvests and the productivity of our industries; for the discoveries of our laboratories; for the researches of our scientists and scholars; for the achievements of our artists, musicians, writers, clergy, teachers, physicians, businessmen, engineers, public servants, farmers, mechanics, artisans, and workers of every sort whose honest toil of mind and body in a free land rewards them and their families and enriches our entire Nation.

Let us thank God for our families, friends, and neighbors, and for the joy of this very festival we celebrate in His name. Let every house of worship in the land and every home and every heart be filled with the spirit of gratitude and praise and love on this Thanksgiving Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in the spirit and tradition of the Pilgrims, the Continental Congress, and past Presidents, do hereby proclaim Thursday, November 28, 1985, as a day of national Thanksgiving. I call upon every citizen of this great Nation to gather together in homes and places of worship and offer prayers of praise and gratitude for the many blessings Almighty God has bestowed upon our beloved country.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5413 of November 23, 1985

National Day of Fasting To Raise Funds To Combat Hunger, 1985

*By the President of the United States of America
A Proclamation*

At this time of national Thanksgiving, when we thank God for our many blessings, we are especially mindful of those in distress. And we thank God for inviting us to respond with open hearts to the cry of the afflicted and

needy. For in being generous to others we become more like Him Who has been so generous to us. Most recently, we heard the cry for help that came from the rubble of Mexico City and from the people of Colombia whose villages were engulfed by mud slides. We heard and we responded.

Similarly, we hear and we continue to respond to the cry that comes to our ears from the famine-stricken regions of Africa. That famine has already caused the death of hundreds of thousands of people and endangers the lives of millions. The solution to such famine involves not only rushing emergency food and medical supplies to the areas stricken, but also improving agricultural policies and enlisting greater cooperation by certain governments with international relief agencies.

Americans from all walks of life and every part of our country have responded quickly and generously to every famine that has occurred since World War II. And we have already raised more than \$120 million for emergency relief for victims of the current famine in Africa. The generosity and compassion of our people deserve to be recognized and commended.

It has been estimated that in Africa 24 people die of starvation each minute; clearly much more must be done.

Various private organizations are organizing a day of fasting as a means by which Americans can show their concern, express solidarity with the plight of fellow human beings suffering from hunger, and draw attention to efforts to raise funds to help the victims of famine.

Congress, by House Joint Resolution 386, has designated November 24, 1985, as "National Day of Fasting to Raise Funds to Combat Hunger" and authorized and requested the President to issue a proclamation in observance of this event. *Ante*, p. 558.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim November 24, 1985, as National Day of Fasting to Raise Funds to Combat Hunger. I call upon the people of the United States to observe such day with appropriate ceremonies and other activities and to consider donating to relief organizations fighting hunger.

WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5414 of November 26, 1985

National Mark Twain Day, 1985

By the President of the United States of America
Proclamation

Like the comet that startled the night sky at his birth and returned as a night chariot to "carry him home" 75 years later, the literary achievements of Mark Twain can truly be called an "astronomical" phenomenon.

Samuel Langhorne Clemens, November 30, 1835, in Florida, Missouri, enjoyed an idyllic boyhood in Hannibal, Missouri. There by the banks of the mighty Mississippi, he came to know and love the common people of

America. Their crotchets and kindnesses; their exasperating foibles; their endearing loyalties; their dreams and hopes were printed indelibly in his memory. Annealed through time and art, those recollections would be transformed by his genius into immortal characters in masterworks that not only won great popularity in his day but have also stood the test of time.

Today, as we commemorate the 150th anniversary of Mark Twain's birth—and as Halley's Comet again brightens the skies of our planet—the wit, the wisdom, and the inimitable style of Mark Twain continue to delight and instruct young and old—in more than 50 languages.

It is a measure of the richness of Twain's genius and the complexity of his character that debates still go on as to whether he was primarily a humorist, a novelist, a charming spinner of provincial yarns, a cynic, or a sentimentalist. The truth is he was all of these—and more.

He was American to the core and he was also a sophisticated world traveler. He evoked the concrete details of his own time and place as no one else could, and he was also deeply versed in history.

He relished the innocent joys of childhood and the storybook adventures of his young manhood. He knew the fulfillment of a happy marriage and the heady wine of wealth and adulation. The dons of Yale and Oxford honored him with exalted degrees, and when he died the common people wept.

Twain also knew the shattering humiliation of betrayal and bankruptcy. He endured the soul-searing desolation of bereavement, and in the depths of his grief he could sometimes rail like the proverbial village atheist. But he could also write of the saintly Joan of Arc with the awe and ardor of a hagiographer. In many ways Twain remains a riddle. He still awaits a definitive biography. He would probably have been amused at all the fuss that has been made over him and chuckle at some of the theories the critics have spun about him and his works. Self-deprecation was the hallmark of his humor; he loved to puncture pomposity—even his own.

New York, Connecticut, California, and Hawaii are only some of the States that can claim to have shaped his life, but Hannibal, Missouri, where he grew up, will always have a prior claim. And so it is especially fitting that while all Americans celebrate this anniversary, Hannibal—which maintains his boyhood home as a museum—has been the scene of special events starting in May and culminating on November 30, the 150th anniversary of his birth.

Ante, p. 939. The Congress, by House Joint Resolution 259, has designated November 30, 1985, as "National Mark Twain Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim November 30, 1985, as National Mark Twain Day. I call upon the people of the United States to observe such day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5415 of December 3, 1985

National Home Care Week, 1985

By the President of the United States of America
Proclamation

Americans have always cared for one another in both good times and bad. When a family has a loved one—elderly, disabled, or a child—needing special care at home, it will inevitably respond by doing everything to keep that person at home. This is the American spirit. Home health care has a long tradition in our Nation. The Federal government, the States, and families are now working in a cooperative way to see that this commitment continues.

No one would suggest that a family can do more for a patient when a hospital or other appropriate institution is clearly needed. But American families go the extra step or mile, if needed, to protect, care for, and serve a member in need. The Federal government has done its share to help. Now, our many States have taken on the initiative to create special programs to enhance home health care. They are to be commended for this humane action.

In addition, there are countless churches, voluntary organizations, and private agencies that assist our families to care for a member at home. Our tradition is learning that, in spite of a time when “doing your own thing” is valued, caring for a mother, father, sister, or brother—or any relative or friend—at home is vastly more important. Independence, under God’s loving care and guidance, is to be cherished. Who, then, should care for our own when those who love them best? Once again our long tradition prevails as so many in government, charitable groups, and families work for the well-being of one in need at home.

The Congress, by Senate Joint Resolution 139, has designated the week beginning December 1, 1985, as “National Home Care Week” and authorized and requested the President to issue a proclamation in observance of this event.

Ante, p. 940.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning December 1, 1985, as National Home Care Week. I call upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of December, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5416 of December 3, 1985

National Temporary Services Week, 1985

By the President of the United States of America
Proclamation

The temporary services industry provides employers much needed flexibility to tailor their work forces to meet short-term needs. It also provides im-

portant job opportunities for American workers: last year, the temporary services industry provided employment for an estimated five million people.

The temporary services industry currently is the second fastest growing business sector in our economy, in terms of new jobs created. Approximately one out of every two hundred nonagricultural jobs in the United States is provided through temporary services.

It is appropriate that we recognize the many and vital contributions that the men and women of the temporary services industry provide to our economy.

Ante, p. 1001.

The Congress, by Senate Joint Resolution 195, has designated the week of December 1 through December 7, 1985, as "National Temporary Services Week" and has authorized and requested the President to issue a proclamation in commemoration of this observance.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of December 1 through December 7, 1985, as National Temporary Services Week, and I call upon the people of the United States to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of December, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5417 of December 5, 1985

National Consumers Week, 1986

By the President of the United States of America

A Proclamation

Because ours is a free society, we Americans are blessed with many choices. We can choose to live where we want. We can choose our education and our vocation. We are free to speak our minds, to worship God as our conscience prompts us, and to choose our political affiliation. And nowhere else in the world is there a wider variety of goods and services from which to choose, thanks to an open marketplace and the freedom to produce and purchase. This bountiful marketplace has provided us with a standard of living that is the marvel and envy of the world.

The outlook for the future is even brighter. The regulatory reform of recent years is spawning innovation and reinvigorated competition; by opening new markets, it has resulted in even more choices for consumers. This gives buyers both a new opportunity and a new responsibility to make informed decisions about the quality and value of products and services offered for sale.

To make responsible decisions in our dynamic and abundant economy, consumers need both information and education if they are to reap the full benefits of the marketplace. They need information, the facts about the goods and services; they need to be educated so they can analyze those facts before making a purchase. This will enable them to make wise choices whether they are shopping for food, shelter, clothing, transportation, recreation, health care, entertainment, and so on. Prudent, informed,

discriminating consumers put pressure on suppliers to keep improving products and services while devising production efficiencies that will permit them to keep their prices competitive.

Highlight of the central role of the consumer in our free economy, it is especially appropriate to recognize that relationship during National Consumers Week, 1986. The slogan for 1986, "Consumers Rate Quality," acknowledges that consumers, by seeking quality and value, set the standards of acceptability for products and services by "voting" with their marketplace dollars, rewarding efficient producers of better quality products and performance. It is also a ringing declaration that consumers are entitled to and can insist on honest value for their hard-earned income.

Indeed, American businessmen and women are becoming aware that the heightened competition of a global marketplace necessitates attention to quality if they are to succeed. They must do more than just build better products—they must strive to improve marketing, sales, warranties, and service. Quality demands efficient management, productive use of human resources, and responsiveness to consumer needs and preferences.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 20, 1986, as National Consumers Week. I urge businesses, educators, community organizations, labor unions, the media, government leaders, and consumers to recognize the pursuit of quality and excellence in every aspect of our lives, and to contribute to consumer and economic awareness during this week.

WITNESS WHEREOF, I have hereunto set my hand this fifth day of December, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and thirtieth.

RONALD REAGAN

Proclamation 5418 of December 6, 1985

National Community College Month, 1986

By the President of the United States of America
Proclamation

More than thirteen hundred community, technical, and junior colleges, public and private, in the United States have contributed enormously to the richness and availability of American higher education. Nearly half of all undergraduate college students in the Nation today are enrolled in such institutions.

By providing educational opportunities at costs and locations accessible to those who are qualified, community, technical, and junior colleges have greatly enhanced the opportunity for every ambitious student, young or old, to enter a postsecondary school program. As community-based institutions, these schools provide varied programs and offer specialized training for more than one thousand occupations.

In recognition of the important contribution of community, technical, and junior colleges to our total educational system, the Congress, by Senate Joint Resolution 158, has designated the month of February 1986 as "National Community College Month" and authorized and requested the President to issue a proclamation in observance of this event.

Ante, p. 522.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of February 1986 as National Community College Month. I ask all Americans to observe this month with appropriate activities that express recognition of the significant contribution these institutions are making to the strength, vitality, and prosperity of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5419 of December 7, 1985

National Drunk and Drugged Driving Awareness Week, 1985

*By the President of the United States of America
A Proclamation*

Motorists who drive while impaired by alcohol or other drugs are one of our Nation's most serious public health and safety problems. Each year, drunk drivers account for tens of thousands of highway fatalities and hundreds of thousands of injuries.

This needless carnage on our streets and highways can be reduced through increased public awareness and a willingness to take the necessary steps to prevent it. We must not wait until personal tragedy strikes to become involved.

Strict law enforcement and just penalties are essential. Contrary to popular opinion, driving is not a right, but a privilege that can and should be withdrawn when a drunken or drugged driver endangers others. We also need to develop better means of detecting these drivers and getting them off the road before they cause an accident.

Statistics show that a disproportionate number of our young people are involved in accidents in which alcohol and drugs are a contributing factor. In recognition of the considerable evidence that such accidents can be drastically reduced by raising the legal drinking age, the Federal government is encouraging each State to establish 21 as the minimum age at which individuals may purchase, possess, or consume alcoholic beverages. Many States have already raised the legal drinking age, as a result of efforts of dedicated citizen volunteers and the growing awareness that motor vehicle accidents are the leading cause of death among young people. States that have not raised their legal drinking age should review these developments carefully.

We need informed, concerned citizens who are willing to help generate awareness; we need education and action to eliminate drunk and drugged drivers from our highways. With the continued involvement of private citizens and action at all levels of government, we can control the problem of drunken and drugged driving.

In line with the recommendations of the Presidential Commission On Drunk Driving, we have embarked on a long-term sustained effort to focus the resources of our local, State, and Federal governments on this problem.

In order to encourage citizen involvement in prevention efforts and to increase awareness of the seriousness of the threat, the Congress, by Senate Joint Resolution 137, has designated the week of December 15 through December 21, 1985, as "National Drunk and Drugged Driving Awareness Week."

Ante, p. 284.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of December 15 through December 21, 1985, as National Drunk and Drugged Driving Awareness Week. I call upon each American to help make the difference between the needless tragedy of alcohol- and drug-related accidents and the blessings of health and life. I ask all Americans to take this message to heart and to urge others not to drive if they are under the influence of drugs or alcohol.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of December, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5420 of December 10, 1985

Bill of Rights Day Human Rights Day and Week, 1985

*By the President of the United States of America
A Proclamation*

On December 15, 1791, the adoption of the first ten amendments to the Constitution of the United States—the Bill of Rights—gave legal form to the noble principles which our Founding Fathers had set forth in the Declaration of Independence as the very basis for the birth of our Nation.

Benjamin Franklin, then 81 years old, in a moving address, reminded the members of the Constitutional Convention that it was God who had seen them safely through the War of Independence and that it was only through His "kind Providence" that they were able to meet in peace to shape "the means of establishing . . . future national felicity. . . . And if a sparrow cannot fall to the ground without His notice," Franklin asked, "is it probable that an empire can rise without His aid?"

Mindful of this, and deeply convinced that fundamental human rights are not a concession from the state but a gift of God, the Founding Fathers knew that government has a solemn obligation to safeguard those rights. That is why they were at pains to devise and ordain a constitutional system that would ensure respect for the dignity and uniqueness of every human being. Thus, they brought into existence a form of limited government—representative democracy—whose powers are circumscribed by law and whose legitimacy derives from the consent of the governed. For the first time in the history of nations, a written Constitution based on the inalienable God-given rights of the individual was promulgated.

It is with sincere thanksgiving that we reflect on the successful efforts of those wise patriots of two hundred years ago who laid the political foundations of our beloved Nation, and also to those millions of citizens ever since who have cherished and defended the Constitution and the principles it embodies. Many have given their lives on the field of battle so that freedom

and human dignity might live both at home and abroad; let us never forget our debt to them or fail to honor their sacrifice and courage.

One hundred and fifty-seven years after the adoption of our Bill of Rights, the fundamental concepts enshrined in our Constitution were internationally acknowledged as applying to all peoples when the United Nations adopted the Universal Declaration of Human Rights on December 10, 1948.

Although we can take heart at the number of nations in which human rights are respected and real progress towards democratic self-government is being made, a disturbingly large number of governments continue to commit serious abuses of human rights. In the tradition of our forefathers, we protest against these abuses wherever they occur. We condemn the practice of torture, racial and religious persecution, and the denial of the right of free expression and freedom of movement.

The United States will never cease to be in the forefront of the noble battle for human rights. We have committed our resources and our influence to efforts aimed at extending throughout the world the rights we enjoy, rights which are rightly the prerogative of all people. This Nation must remain and will remain a beacon of hope for all who strive for human dignity. There is no better way of showing our gratitude for our inheritance of liberty.

We believe it is a right, not a privilege, to be allowed to speak freely; to assemble peacefully; to acquire and dispose of private property; to leave the country of one's residence; to form trade unions; to join or not to join groups and associations; and to worship according to one's conscience. Experience teaches us that the best check against tyranny is a government of the people in which leaders are elected in fair and open balloting and where the government's powers are subject to constitutional limitations. We pray that one day all nations of the earth may share with us the joys and rewards of living in free societies, and we resolve not to rest from our labors until the most noble longings of the human spirit, those for freedom of belief and expression, are fully realized.

During this commemorative week, let us rededicate ourselves to the advancement of human rights throughout the world, recalling the words of Alexander Hamilton that "natural liberty is a gift of the beneficent creator to the whole human race . . . and cannot be wrested from any people without the most manifest violation of justice."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 10, 1985, as Human Rights Day, and December 15, 1985, as Bill of Rights Day, and I call upon all Americans to observe the week beginning December 10, 1985, as Human Rights Week.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of December, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5421 of December 15, 1985

Seventy-fifth Anniversary of the Boy Scouts of America, 1985

by the President of the United States of America

Proclamation

The Boy Scouts of America, our Nation's largest organization for young people, has served our youth since 1910. Thanks to dedicated adult volunteers, more than 70 million young people have learned Scouting's lessons of patriotism, courage, and self-reliance over the past 75 years, and millions more have benefited from the service, inspiration, and leadership of the Boy Scouts.

Former Scouts have gone on to become leaders in all fields, including business, education, and government. The values they learned through Scouting have given them the confidence to make ethical choices and to realize their full potential as active and responsible citizens.

America's young people have always been treasured as our most precious resource. Since Scouting has had a strong positive influence on young people, it has played a vital role in shaping America's future. The Boy Scouts have clearly shown that it is possible to innovate while remaining faithful to their original principles. I am confident that they will continue to play an important role in American society for many years to come, molding our youth with programs that build confidence and competence, and instilling in them principles that can guide them through their lives.

The Congress of the United States, by House Joint Resolution 159, has designated the year 1985 as the "75th Anniversary of the Boy Scouts of America" and has authorized and requested the President to issue a proclamation to commemorate this event.

Ante, p. 111.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the year 1985 as the Seventy-fifth Anniversary of the Boy Scouts of America.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of December, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

Proclamation 5422 of December 17, 1985

Wright Brothers Day, 1985

by the President of the United States of America

Proclamation

From the time the first human being glimpsed the first bird, the dream of flight has captivated the human imagination. The great Leonardo da Vinci sketched elaborate designs for flying machines, and the poet Tennyson had a vision of the heavens filled with commerce and "argosies of magic sails."

But it was not until early in this century that the remarkable ingenuity and dogged determination of two young Americans finally made that dream come true. On a sandy strip of the North Carolina coast on the morning of

December 17, 1903, Orville Wright, then 32, made the first piloted power-driven flight in a heavier-than-air vehicle. He did it in a 750-pound machine designed and built by him and his older brother, Wilbur. It was the culmination of four years of intensive research by the two inseparable brothers whose talents and temperament complemented each other perfectly.

That first conquest of the sky lasted only 12 seconds and took Orville only 120 feet, far less than the wingspan of today's great jets. But it changed forever the course of human history.

The lives of the Wright Brothers reveal a quintessentially American success story. Their father first sparked their interest in flight when he gave them a toy helicopter powered by rubber bands. Neither of these boys from Dayton, Ohio had ever attended college. Indeed, although they were bright students, neither ever formally graduated from high school. They made a living manufacturing bicycles, but all their spare time was devoted to the conquest of the skies. Wilbur read everything available in the local library and then wrote away to the Smithsonian Institution for more.

But what others had written was not enough. The Wright Brothers experimented for years with kites and gliders. They took detailed notes and made up tables of ratios. To master the challenge of controlling their craft, they designed and built their own wind tunnel and tested hundreds of different wing designs in small scale models.

For all its historic importance, only five people were present that fateful morning eight days before Christmas when Orville at the controls of his 12-horsepower plane took off into a 27-miles-per-hour wind and managed to stay aloft 12 seconds. Later that day with Wilbur piloting it, the craft covered 852 feet in 59 seconds.

Three years after that first flight the Wright Brothers were awarded U.S. Patent No. 821,393. They continued to pioneer developments in flight for as long as they lived. Wilbur died in 1912, while jealous rivals were still contesting their claims to priority and just before the rapid development of aviation. But Orville, who sold the Wright company in 1915, served for many years on the National Advisory Committee for Aeronautics and lived to see his and his brother's claim fully vindicated and universally recognized. Before he died in 1948 the revolution they had set in motion was moving on to new achievements. Jet planes had broken the sound barrier and Bill Odum had flown around the world in just over 73 hours.

That revolution continues, and America has stayed on its cutting edge. This year some 400 million passengers will fly some 334 million miles, and almost 66 percent of all the aircraft they will fly on are made in the U.S.A. America leads in space, reaching the moon and beyond. And today our engineers are working on aircraft that will be able to travel coast to coast in 12 minutes and reach any point on the globe in an hour and a half.

Truly, the age of flight is still young and its greatest achievements are yet to come, but we must never forget those two extraordinary young men, the Wright Brothers. Eighty-two years ago they turned an impossible dream into reality.

To commemorate the historic achievement of the Wright Brothers, the Congress, by joint resolution of December 17, 1963 (77 Stat. 402; 36 U.S.C. 169), has designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

W, THEREFORE, I, RONALD REAGAN, President of the United States America, do hereby proclaim December 17, 1985, as Wright Brothers Day, and I call upon the people of this Nation and local and national governmental officials to observe this day with appropriate ceremonies and activities, both to recall the accomplishments of the Wright Brothers and to provide a stimulus to aviation in this country and throughout the world.

WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of December, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

Proclamation 5423 of December 20, 1985

Extending the Generalized System of Preferences

By the President of the United States of America
Proclamation

Pursuant to section 502(b) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2462(b)), as amended, and section 604 of the Trade Act (19 U.S.C. 2483), I have determined that it is appropriate to provide for the termination of preferential treatment under the Generalized System of Preferences (GSP) for articles which are currently eligible for such treatment and which are imported from Portugal. Such termination is the result of the accession of Portugal to the European Economic Community.

Section 502(b) of the Trade Act specifies that member states of the European Economic Community are ineligible for such preferential treatment under the GSP.

W, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States of America, including but not limited to sections 502(b) and 604 of the Trade Act, do proclaim that:

General headnote 3(e)(v)(A) to the Tariff Schedules of the United States (TSUS), listing those countries whose products are eligible for benefits of the GSP, is amended by striking out "Portugal."

19 USC 2462,
2483.
19 USC 1202.

No article the product of Portugal and imported into the United States after the effective date of this proclamation shall be eligible for preferential treatment under the GSP.

The modifications to the TSUS made by this proclamation shall be effective with respect to articles both: (1) imported on or after January 1, 1976, (2) entered, or withdrawn from warehouse for consumption, on or after January 1, 1986.

WITNESS WHEREOF, I have hereunto set my hand this 20th day of December, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.

RONALD REAGAN

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